App. F. IX-4

1928-29

~~H/S~~.

Law

File No. 90-28

Serial Nos. 1-9, 11-13, 15

Previous References

Later References
Law 176-32 & 1-3.
66-35-1-2

P (127)

General and Revenue Secretariat.

Serial Nos. Thirteen

Part B for August 1932.

SUBJECT.

O.S. 18 of 28-29 (Nagarajayya & Other Vs Govt) on the file of the Deputy Commr Mysore

---

To

The P.P. Mysore.

No. P 735 of 1-8-32.

Returns the Execution petition duly sec'd by the Chief Secy:

for Addl Secy
9-8-32

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 651

Notice of a threatened suit by a Section of the disciples of Sramanabelagola math re the Succession to the math.

A printed Copy of G.O. dt 18-4-1928 Sanctioning Succession to this.

Have received petitions from applicants for appointment as the threatened suit may be awaited.

Submitted.

1-11-28.

1/11

1/11/28

20

Serial No.

1 Summons No XX 1051 dated 6.2.29 from the Dist Judge.

(1) The suit is for a declaration of the right of the Shishyas to appoint the Mathadhi & for permanent inj^n. It is posted to 11th Feb 1929. The PPr may be requested to appear & to ask an adjournment for defn. Drafts to PPr & Dist Judge put up. Affn in the Mer Branch will be requested to put up the connected papers.

Mrf 7.2.29 (L.R.)

(2) Yes.

2. To the District Judge, Mysore
P 4294 dated 8.2.29
acknowledging receipt of Summons

3. To the PPr, Mysore
P 4295 dated 8.2.29
instructing him to appear & make an adjournment for filing defence.

(3) The Mer Branch may be requested to put up the connected papers early

Mrf 9.2.29 To the Mysore PPr for kind compliance

SEC. TO GOVT. 9.2.29.

Dm 1199

Serial No.

II

(1) Muz. J. no. 247-25 containing G.o
D 18.4.1928 approving of the nomination
of Swasti Sri Brahmachari Vemisagara
Swamiji to succeed to the Peetadi of
the Jain matt at Sravanabelgola,
is submitted. If approved it will be sent to
Archaeologist for.
9.2.29.
11/2 11/2

(5) In para 6 of the plaint, it is mentioned
that a notice under Sec 80 C.P.C, was
served on the Chief Secy on 30-10-28. This
seems not to have been sent to this Branch,
since no mention of it is made in the
notice register. Perhaps the Muz. Branch may
have the papers connected with the notice
which it may kindly be requested to send.
12.2.29 13/2/29

Muz Branch)
(6) The papers connected with the
notice are now placed on the file
13.2.29 13/2
13/2

NOTE—Contn. sheet

Serial No.

(7) The Pltr informs that this suit is posted to 4th proxime (Vide his letter placed in Law 84 of 28 – file relating to O.S.17 of 28-29). He has also requested for the records in the case in order that he may prepare a draft written statement.

(8) Before however sending the records the defence of the suit has to be sanctioned by Govt, under rule 93 of the Legal affairs rules.

(9) The copy of the plaint is flagged S. It is a suit for declaration of the right of the Sishyas to choose a successor to the Peetha in cases in which the Swami himself does not appoint his successor and for the Consequential declaration of the illegality of the appointment of the 2nd deft by Govt.

(10) No such suit against Govt is provided for either in Reg VII of 1927 or Reg VII of 19[illegible] and Consequently under Sec 3 of the latter Reg[n], the suit so far as the Govt is concerned cannot be taken cognisance of by any Civil Court But the more important question is whether the plaintiffs can succeed against the 2nd deft who is the Swami ~~appointed by Govt~~, whose appointment has been approved by H.H There seems to be an established custom in mysore for ~~Getting~~ the approval of H.H for the Succession of Swamis to Mattes enjoying

NOTE – Contn. sheet

Serial No.

State grants the (Vide Muzaffar ... pages 160-162). If this is to be considered as one of the prerogatives of H.H, then the point arises whether the Civil Courts have jurisdiction to interfere in the exercise of that prerogative. There is no provision in Reg VII of 1927 ousting the jurisdiction of Civil Courts in such matters as are now being litigated in the Suit under consideration.

(11) Under the English Common Law (Halsbury Vol 6 page 372), the prerogative of the Crown is created and limited by Common law & the Sovereign can claim no prerogatives except such as the law allows. The Courts, it has therefore been held have jurisdiction to inquire into the existence & extent of any alleged prerogative.

(12) Though therefore the Suit as against HH may be not maintainable, that against the persons appointed by H.H. is, & the Court has to find on evidence the existence of the custom as to the approval by H.H in cases of Succession of Jurus to Mathas, & the invalidity of all appointments otherwise made.

(13) It seems easy to prove that this custom of obtaining H.H's previous consent to the Nomination of Successors to religious mathas within the State is an ancient and well-established one, but it is doubtful whether the non-observance of this custom can absolutely render the nomination

WD 021—GPB—30,000—21-8-28

Serial No.

null & void, if it is otherwise valid under Hindu Law. Rule i of the Rules printed on 16 2 of the Huzarai manual seems to show that the consequence of not bearing the seal is only a resumption of grants & honours granted by the Sovereign. It must however be said that this consequence is serious enough, since the office of a Mahadhipathi shorn of these honours etc, would be practically valueless, in the generality of cases arising in Mysore.

Prof
19.2.29
Asst Engr (14) Though Govt. cannot be impleaded as a defendant they are interested in the defence and have to support the Swamiyaru in this litigation as he has been nominated to the gaddige with the approval of H.H. in accordance with the ancient custom referred to above in the R.C. of 1892. The question raised in the suit is of great importance & the written statement has to be prepared with care. The Pub. Prosr. may perhaps attend to take the Legal Remembrancer's instructions personally.

L.R.) 22/2

(15) The blank copy shows that the suit is of a representative character.

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

General and Revenue Secretariat. File No. of 1928.

Serial No.	
	It is posted to 4th March 1929. (vide para 7 above)
	It has to be ascertained whether Court has granted the leave of notice to the people of the Community as required by para 5 of the plaint & whether the people of the said Community have expressed their willingness to join as plaintiffs. The date of hearing has also to be ascertained. The Pub. Prosr. should have reported these matters. He be addressed on the point. D. M. 23/2. DFH 23/2/29
	(16) Draft to PPr further. No enquiry is made of the date of Hg since he has already reported that the suit is posted to 4.3.29 (vide para 7 above). The defence of the suit has to be sanctioned by Govt (Vide Secy's note dated 7.2.29, para 2 above) DFH 27/2/29 (J.R.) 25/2
	(17) Secy a/w submit DM 27/2
5	Do Rec Branch [illegible] Supreme [illegible] Order / Rules have been [illegible]

ISSUE & RESUBMIT

Succn to Sravanabelagola mutt case 8

3478

General and Revenue Secretariat

Land File No. 90 of 192 P.

Serial No.

(18) Resubmit the draft after issue and reference to paras 7 to 16 above.

Dorp 26.2.29 (L.R.) 27/2

(19) Subn. for perusal. If appd this Pub. Prosr will be instructed to prepare a detailed statement to file a defence in the case.

Pub. Mr. 2/III 2

5218

1st Member

(20) I agree

Rmds 28/2/29

(21) The Pub. Prosr has to be asked to appear for Govt & move for adjt to report immediately about the result of the action taken

Pub. Mr. 28/2

(22) The PPr has already appeared for the first in the case as per instructions in this office letter - Flag U. In his letter of 11th Febr, the PPr says that the case is adjd to 4.3.28 & that he will send a draft W.S. early - He also requested for the records to be sent - He was replied that they wd be sent later on - If appd it will be sent now & the PPr may thereafter be requested to prepare the draft W.S & send the same for approval. Draft accordingly put up.

Dorp 28/2 28/2 (L.R.) Dorpo 28/2

Pub. Mr. 1/3

(23) I am not sure whether the said letter containing the said instruction was sent to the PPr.

(24) The connected papers need not be sent. Pub. Mr. 1/3

NOTE – Contn. sheet

Land

~~3478~~ 3979

General and Revenue Secretariat

Law File No. 90

App F. 411—21

of 192 8

Serial No.	
6	To the Public Prosecutor, Mysore P 4886/Law. dated 2.3.29 forwarding records & requesting him to Recd a draft W.P.
7	Letter No: 1182/28.29 dated 2.3.29 intimating that no notices under O 128 have been issued & that on 6.3.29 he will appear & take time for W. & ~~furnish~~ submit ~~the affdvt~~ OR. & further report
	(25) The records required by the PPr have been already sent - further report may be awaited. Subd for perusal
	DDY 6.3.29
	Law 7/3
	Letter No: 552 dated 25.6.29 from PPr, Mysore, submitting draft W. for approval of G.A.
	(26) The PPr seems to rely strongly on sec 40 of Reg VII of 1927 as an effective bare to the maintainability of the present Suit. A perusal of sec 40 however indicates that it is only when Govt passes orders under the Regn, that the Civil Courts are allowed to exercise jurisdiction only to the extent if any allowed by the Regn. But in this case the order of Govt (Flag A) is not under any

NOTE—Contn. sheet

WD 021—GPB—30,060—21-8-28

Serial No.

of the provisions of Reg VII of 1927 but only one that can be justified ~~as~~ by immemorial Custom as pointed out in paras 10 to 13 above.

(27) The Suit as against first may of course be said to be not maintainable under Sec 3 of Reg VII of 1923. (Vide para 10 above) This point is not taken up in the draft W. S. sent by Pr.

(30) yes this should be noted

(28) The most important point that has to be raised in the defence seems to be the existence of the royal prerogative of approval of the appointment of a Mathadi pati in Mysore, and thus negativing the plaintiff's contentions as to the right of Sishyas to appoint the Guru. This point also is not taken up in the draft ws.

(31) yes this should also

(29) It is also not known whether the 2nd deft, the present Swami, appears by any other Counsel and what defence is proposed to be filed on his behalf. It is necessary that his defence should not in any way be inconsistent with that of the first. In the Pr's letter of 2.2.29, he promised to intimate re: the matter of issuing notices under order 1 rule 8. No such intimation

NOTE—Contn. Sheet.

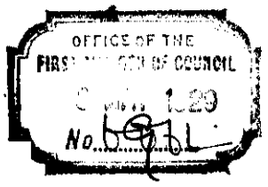
WD 01714—GPB—30,000—18-4-28

Serial No.	
	is received till now- Draft to PPr enquiring about the above facts put up for kind approval DMP 30/4/29 Issues D.M. 20/5/29
9	To, The Public Prosecutor, Mysore. P 66 11 / dated 2.5.29 Enquiring ~~whether~~ as to the defence of the 2nd defdt & notices under order I rule 8
10.	Letter No S 73 dated 4th may 1929 from PPr mysore stating that Mr. N.S. Ranjavia & Mr S. Venkatesha Ayyangar appear for the 2nd defdt & that he has requested them to send copy of the defence to be filed on behalf of 2nd defdt (32) The court has directed notices under order I rule 8 C.P.C. The case is posted to 16.5.29. (33) As regards draft W.S. kind reference is invited to paras 26 to 28 above. DMP 7.5.29 (34) I have received the written statements filed from the PPr. Sub 2 for perusal as this is

NOTE—Contn. sheet

Serial No.

Dated 16.5.29



and important case of the cases
raised are of two matters importance

18th Member

(35) There were two unanimous
recommendation by the Committee.
The Committee consisted of 10 members
including the Muz Courts — excluding
the D.C. Hassan who was not entitled
to Vote - and five were in favour
of Brahmanism Sastry and the
rest - an equal No - including the
Muz Courts were against him.
Finally the choice fell on the
second Defendant on the
recommendation of [illegible]
Please see M's letter R 30.
The Statements relating to this
point may be further
Views Dr Millers Statt
We may say that Court
Selected the second Defendant
on considering the Views
of the Committee and on
the result of the enquiries
made by them with a View
to appoint by the Central
a person of learning and
high character worthy of occupying
a place held in high esteem
by Jains then out India

Dr 10/5.

Muz 9-5-29

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

Serial No.	
(36)	The typed written statement is placed below. The file may kindly be marked to the Chief Secy for signature.

Date of Hg 16.5.29

Chief Secy w v/s Comps

Date of Hg 16.5.29

Draft returning WS to PPr Mysore

11 To the Public Prosecutor, Mysore
P 6906 / Land 90-28-11 enclosing
13.5.29.
Returning the file of records & forwarding the written st duly signed by Chief Secy for being filed in court and requesting to send WS on behalf of 2nd deft as also a report as to the progress of the case on each day of Hg.

Suo B. 13.5.29

Letter no. 596 dated 17th May 1929 from PPr Mysore, forwarding copy of WS. filed on behalf of 2nd deft & intimating that the Case is posted to 6.6.29 for arguments on the Preliminary Objns raised in the Statement

WD 021—GPB—30,000—21-8-28

Serial No.

of both the defendants

(37) Submitted for perusal — the W on behalf of 2nd Defts not inconsistent with that filed on behalf of pltf — In paras 7 and 12 the point as to the jurisdiction of the Court to question the appointment approved by His Highness, is distinctly framed — ~~xxxxx~~ posted to 6-6-29 for orgts on preliminary points —

(38) Further report may be awaited.

DMP 22/5/29 (L.R.)

Law 25/5

Hon'ble DMP 29.5

Letter no: 627 dated 8-6-29 from PPr, Mysore, stating that the case is posted to 19th inst for framing of issues, after which the preliminary points as to maintainability of the suit would be argued.

(39) Further report may be awaited. Submitted for perusal.

DMP 15/6

PM 16/6

Law 16/6

Hon'ble DMP 20/6/29

Letter No 6648 dated 20th June 1929 from the PPr Mysore forwarding issues framed in the case & intimating that the case is posted to 12-8-29 for

WD 01684—GPB—30,000—20-4-29

evidence.

(40) The burden of proving all the issues is on the plaintiffs Govt however have to adduce some evidence to prove that the appointment of the 2nd defdt is in conformity with law, usage and rules framed on the subject. The Pltfs suggests that records showing selection of mahadhipatis of this Jain Mutt on previous occasions, may be sent to Court for being filed in Court. In the Coll[n] place below Mutt 247-25, at page 9 of the office notes (Map 8), it is stated in para 2, that the nomination of the deceased Swami was in accordance with the will of his predecessor, and in para 23 of the office notes, in the same collection, it is said that no other literature regarding the Mutt is available in the Murarai Mutt.

(41) Perhaps the Mut. Branch may be once more requested to state if there are any records to prove the usage of Govt selecting the Swami on previous occasions. The Mut Commissioner also may be consulted in this point.

A

(42) The Pltfs writes to state that he is deferred taking the documents already sent among the records to be now required - he may be asked to file them, stating that additional documents would be filed when received from Govt. Draft letter

WP 01684—GPB—30,000—20.4.39

Serial No.

accordingly.

Dy

28.6.29 S/b

L.R.)

Issued 28/6

P. Mr 4/7

2/7/29

13. To the Public Prosecutor Mysore

P 89 / 3.7.29.

requesting him to file the records rel & stating that the records relating the appointment of Swamis to the Sravanabelgola mutt on previous occa are being traced.

14 Letter no 10 from the PP Mysore stating that he has filed the records in a sealed cover & requ that records asked for may be sent before 12.8.29. & asking for instruc regarding the list of witnesses.

(45) Said reference is invited to note at para 41 Supra. As suggested therein this may be sent to Hon Branch for necessary immediate action and return.

Approved. The PP will be requested to take instructions regarding the list witnesses etc from the Huzur Commissioner Staff Butat

Dy

WD 01684—GPB—30,000—20-4-29 L.R.)

Issued 10/7

P. Mr 4/7

Note—Contn. Sheet

Serial No.

18

To Pr supdt —
P 351 / 15.7.29
requesting him to take instructions from M con^r
Copy to M con^r P 351-2

This may now be sent to Mr Brown for early action as suggested in paras 43 supra & return —

Pdf 15/7/29 — To the Supdt, Murrai Pr workshops

16(7)46) The marginal noted file may possibly throw some light on the matter. If any further enquiry is necessary the party concerned should be addressed.

Pdf 17/7 — Supdt Murrai Pr workshops.

(1) What is required is about the custom usage regarding appointment of Swamis to the Sravanabelgola Matt. It is not known whether the marginal notes file would be useful for this purpose but they may be to establish the Mysore Contention that it is a prerogative of H.H. in Mysore to appoint such appointments in cases of all Matts in Mysore. Certainly the rules published in Mysore manual on this head would be sufficient to prove this Mysore contention

Rules re Swamis of Sakleshpur Matt
Mysore Secretariat file 8-1 Confidential 5-38-33
Mys 268-26-8
Dr. 24th Sep 27

re Hariharpur Matt
Mys S-26-21-28-Dr 17-6-1923
9-25-19-Dr 21-Oct-1925

Note—Contn. Sheet

WD 01684—GBP—30,000—29.4.29

175

General and Revenue Secretariat

Law File No. 90

App. F. III—21

of 192 8

Serial No.	
	The PPr has been asked to take instns from the Murr Con. regarding the evidence etc to be let in the case. Further reports from PPrs may be perhaps awaited before taking any further action in the matter
	Sub B. Jun 1917 Pmf 22.7.29
	To Murarai Conr., P 1287(3) Dated 26/7/29 sending him the Murr. file, relating to Sriramabeloca Mutt, & requesting acknowledgment of same
	Sub B Pmf 30/8

48) Germ 1917

18-7-1917

1003/25. 19

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 272

The M.C. has sent Mis. D. No. 442-14 Sls 1—8, and all other papers & Calcutta refs. Re Summons in Ramanabalapala Math in connection with the civil suit filed by Nalanairi & others—

Mis. D. 442-14 obtained from the Govt. records, is put up. The other file no. 247—25 on the subject, is in the Prot. Br. which is perhaps the case—

The Comm has sent up this Br. for disposal with Mis. file

In receipt

Submitted 24/8/25

24/8

24/8

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

The correspondence in Mis. file 247-25 has been sent to Prot Br. & the office notes in the same are in the Coll. in the linked - Perhaps, this as

1009

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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well as the cases now sent
to the Mus Branch may be
sent to the Mus Comr for enabling
him to instruct the Pipr in the
Conduct of the case.
Aft put up accordingly

Issue
2/5

Issued P 1287 (3) 26.8.29
Museum Comr

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

Serial No.

Letter No: 317 of 1st April 1930 from DPr Shimoga forwarding copy of Judgt in O.S. 25/26 regarding Succn to Bhimanakelle Matt.

2) The Dt Judge, Shimoga, held that a Suit for ~~Declaration~~ declaration of plaintiff's right to the Pattam is maintainable under Sec 2 cl(e) of Reg VII of 1923, as it is practically a Suit for the Cancellation of the order of Govt in the matter, which order may be termed an "instrument".

3) The learned Judge also holds that the Suit ~~is not cognizable in a Civil Court~~ is of a civil nature under Sec 9 C.P. Code, but that ~~such~~ the cognizance of the same by the Civil Courts is expressly barred by the Rules regarding Succession to Mathas.

On issue No: III relating to the prerogative, it is held that the recognition of a Successor by H.H. is an act of prerogative not liable to be questioned in Civil Courts.

5) Similar questions arose for decision in the Sravana Belagola Matt case (Vide paras 7 to 16 in the linked file dated 9.9.28) If appld a copy of the Judgt will be sent to DPr, Mysore for information —

A

DPr 4.4.30. A-yes. Please put up draft 3/4

Note—Contn. Sheet

4/4 Draft put up DPr 4/4 dtd

KD 066—GPB—80,000—26-7-29

dated 4/4

App. F. III—21

General and Revenue Secretariat. File No. 6184 of 1928

Serial No.	
	To Mem P.r Tyree 6175 of 1/5/7 Forwarding a copy of judgement in the case for info return
	Letter No: 534 dated 18.6.30 from Mysore, returning the Judgt. SD PM. 21. N.S. 4.6
Suo B PM 13/5	
	Suo B PM 26/6
Judgt kept in file relating to bill PPr in the case Land 2-29. PM	
	Letter No 479 dated 15th March 1931 the PPr. Mysore informing that the stands adjourned for evidence to 30 56) PPr. Suggest to examine Present third member, Mr. P. G. D'Souza behalf of the Govt to speak to Circumstances in which the Secand was selected a Swamigalu of the Mu Presidence to the rival Candidate Bha Shastry.
	for perusal
	ISD 19/8 55) Please put up the file in which Judgt in O.S. 6. of 25-26 from the Dist, Shimoga is placed - The now under appeal in the High ct file is, Shimoga in Sus -

Note—Contp. Sheet

WD 056—GPB—80,000—26-7-29

is now not contain Please put up P Albert 28

Required file is putup. PM 19.3 ISD 19/3.

Serial No.

56) In this case in which the plaintiffs as Sishyas of the Sravana belgola Jain Mutt claim the right to nominate the Swami of the Mutt & consequently pray for the cancellation of the appointment now made by Govt. the Public Pr: Mysore wishes to examine the present Third member, Mr d'Souza, on behalf of Govt., to prove the circumstances under which the present Swami was selected in preference to the rival Candida Brahmasoori Sastri. The PPr states that the date & place of his Examn will be fixed in consultation with him, the Court & all the parties concerned in the Suit.

57) This is an important Suit in which questions as to prerogative rights of H.H regarding appointments of Mutha Dhipatis in mysore, are raised & will have to be decided and it is therefore necessary to lead in the best evidence available on behalf of Govt.

58) The same question in a simpler form was raised in the Bhimanakatte Mutt case in the Dt of Shimoga, which has been decided in favour of Govt by the Dt Judge The case is however now under appeal in the High Ct. The case was decided on argumen & no evidence was led in even by the plaintiffs. But in the present Suit

S

Linked file

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

23

4431

File No. of 193 General and Revenue Secretariat

the plaintiffs have examined witnesses, & it is therefore inevitable that for some days to put in the necessary evidence on their behalf –

Legal Rr

DMP 23.3.31

(59) Hon'ble Member is invited to para 2 of his P/D dated 15.3.31.

3rd Member

1st Member

OFFICE OF THE THIRD MEMBER 24 MAR 1931 6118

P. M. 24/3

(60) Returned to Legal Rr according to personal instruction

DMP 25/3/31

(61) The 3rd Member desires me to say that it is better to send for the P/Ps. Please write a D.O. to Amin to come with all the papers & meet the Members.

P. M. 26/3/31

Draft

Please issue the [illegible] signed by the Rr —

DMP 26/3

Issued D. O. No. P. 6062 dated 26.3.31.

Letter dated 8th April 1931 from the Pltr. says that he would see the Law. Secy on Saturday.

for perusal

ISD 10/4

(SS) P. M. 11/4.

Pltr. did not go over here on Saturday. An enquiry may be made when he may be expected. Please put up a dft. D.O.

(SS) NRJ. 12/4

Sus A.

ISD. To be put up when Pltr goes over here –

DMP 27/3

Serial No.

Dft D.O. & hut up

ISD 13/4

Issue

(Sd) M.R.J 13/4

Sec A for week

ISD 13/4

Issued No. P. 6642 dt. 14.4.31.

Letter No. 591 dated 9th May 1931 from the PPr. Mysore forwarding for Countersignature and return T.A. bill for Rs. 192-2 for the month of April 1931.

Subn for perusal and Countersignature

ISD 11/5

(2) The PPr. Mysore had come here to see the 3rd Mr to take instructions in the Sravanabelagola Case. The T.A. bill now Subd is in that Connection. It may be Countersigned

(Sd) M.R.J. 11/5

Legal Rr

(Sd) P.M. 11/5

Please dft returning

(Sd) MRJ 16/5

Subn returning the bill after the PPr.

(Sd) Rs 11/5.

Issue (Sd) M.R.J. 21/5

Issued No. P. 7606 dt. 25.5.31

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

25

File No. of 193 General and Revenue Secretariat

Letter no 619 dated 25.5.31 from H.E. Mysore submitting a progress report for 5.31.

a) It is stated that the pet's witness Gomatha Maharanni Swami was examined Commissioner at Sravanbelgola.

Letter no 823 dated 5607 dated from Pvt. Mys. 7.31, forwarding a progress report for 30.5.31.

a) It is reported that the pet has closed Case, and the Case is posted for R's evidence to 14.7.31. Mr. S. Srikantaya appointed Commissioner for the Examination Mr. P. G. D'Souza.

for perusal.

TSD 10/6.

a) According to the Public Prosecutor's letter of 16th April 1931 it was understood that the examination of Mr. Chennaraj Urs would be sufficient to prove the defence put on behalf of Govt in this Case.

b) From the report now sent, it is seen that it is proposed to examine the Third Member of Council on Commission & Mr S. Srikantiah, Advocate is appointed Commissioner for the purpose. The Case is adjd to 14.7.31.

c) I learnt while at mysore from Mr K. Ramaswami, that

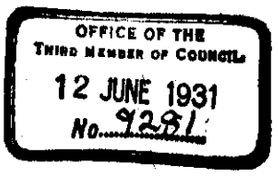
Hay'd.

1666 3867 4k

App. F. III—2]

General and Revenue Secretariat | File No. | of 193 .

Serial No.



on 30-5-31, when the case was for hearing in the Dt Ct, Mysore, he proposed to examine only two Chenna-Raja Urs on behalf of govt, but that since the Counsel on behalf of the other defendants — the present Swami — urged the necessity of examining Mr. D'Souza and would have called him as his witness if the Pltf did not agree to examine on behalf of govt, he had to move the Court for examination [of the member] Commission

Submitted for perusal

Legal Rr

10/6

4/6

3rd Member

12/6

(66) 12/6/31

(67) Mem Br with compts for perusal & return. Refer paras 56 to 61 supra & 65 to 67

16/6

(H. Secy) 16.6.31

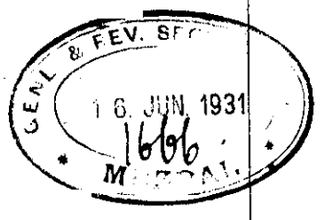
(70) 1st Member 16/6

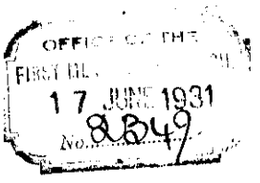
WD 02553—50,000—GPB—8-7 30

Law Secretariat

17-6-31

18.6.31.





NOTE—Contn. Sheet

× (Mr S. Venkatesa of Mysore)

Letter no 652 dated 16.6.31 from the Pfr. Mysore requesting that an R.T.R for Rs 50 may be sent, to be deposited in Court towards Commr's fee before the warrant can be issued.

2) Pfr. states that the 3rd Mr. has Consented to be examined on Commission at B'lore in the first week of July. The Case is posted to 14.7.31 for evidence, and return of Commission. Rs 50 now required by the Pfr. to be deposited in Court towards Commr's fee will have to be paid out of the funds of the Mutt. Mysr Commr may perhaps be addressed in the matter

TSD 19/6

Mur Br with compts for favour of immediate action.

MP 19.6.

V/n. Subd for orders

8 & 9 MOV 1966

H. Seey

VS 19.6.31

19/6

Issue

VS 20.6.31

No 2722 of 22.6.1931 to the Mysore Commissioner requesting the Despatch of Remittance Transfer Receipt for Rs 50/- to the Public

5902

Serial No.

Prosecutor Mysore Division

To) Copy of the above letter may be sent to the PP, Mysore, with reference to his letter of the 16th June.

DSP 2/7

Dft Sent.

TSD 3/7.

Submitted for perusal before issue

To) Chief Secy.

DSP 3.7.31

W 5/7/31

Issue DSP 6.)

Sec B.

TSD 6/7 DSP 8/7

Issued No. P. 216 dt 7.7.31.

Letter No 415/4 dated 18.7.31 from the PP. Mysore stating that the Comr writes pay that he has fixed the 18th inst for the Examination of Mr. P. G. D'Souza at his residence

To) Mr. S. Sreekantaiya, Advocate has been appointed as Commissioner for examn of Mr P.G. d'Souza. The Commissioner is paid to have been ~~not~~ secured for, and the same is extended to 15.8.31. ~~for recording.~~

~~Case for panel. The Examination of the D'Souza would have taken place on the 18th July at his residence Bangalore~~

TSD 17/7

Secy B to await further copy

DSP 17.7

NOTE—Contn. Sheet

W. 29553—50,000—GPB—8-7 30

29

796 763

File No of 193 General and Revenue Secretariat

Letter no 129 dated 10.8.31 from the Pbr. Mysore stating that Rajakaryaprasina P. S. D'Souza was examined on 8.8.31.

The Counsel for the Pty was heard

Subd for perusal.

ISO 19/8

The case is posted to 15/8/31 for further hearing —

Pony 13/8

Sus Hlk 20/8 Pony 18/8

Subd

Report not yet received

Draft part up

Done Pony 20/8

20/8

Commissioner's Report received

for Evidence. 31.8.31.

Adjd at the request of the Parties to 1.9.31.

Sus D Hlk 6/9 Pony 31/8/31

Case closed by hon the Parties.

Posted for arguments 28.9.31

PRINTING SECTION 29 AUG. 1931 SECL & REVENUE

Serial No.

Letter no 178 dated 2.9.31 from the PRr. Mysore enclosing Mr. P. G. D'Souza's T.A. bill for Rs 82-8-0 being the travelling expense claimed by him for the journey from Mangalore to B'lore to give evidence in OS. 18/29/30.

Raja Karya Praveena Mr. P. G. D'Souza was examined on Commission on 8.8.31. As stated in his letter he had to come from Mangalore especially for this purpose and return again. This sum may perhaps be considered in the first instance.

Submitted for formal orders.

TSD 7/9

Mr D'Souza was examined on Commission at his residence in Bangalore. A witness under the rules can claim T.A only for journey to and from Court house where the latter is in a different station from that of the witness.

Dir Secy may also be considered

Gen Secy) Yes
Lobo
7-9

Dir. Secy)
Lobo
7.9

I think the Dt. Judge's view is correct. The papers show that the examination on Commission was arranged at Mr. D'Souza's residence at—

GENERAL SECRETARY. 7 SEP. 1931 No. 1823

H 869/8-9-1931

GENERAL SECRETARY. 9 SEP. 1931 No. 1887

NOTE.—Contn. Sheet

WD 02553—50,000—GPB—8-7-30

File No. of 193 . General and Revenue Secretariat

Bangalore. Having returned from Mangalore for the occasion, he seems to have intended to go to Bombay. In a case like this he is more suitable to give the facts of permanent residence for acquiring the claim for Lic.

8/9/31

GENERAL SECRETARY 11 SEP. 1931 No. 1908

I (Secretary)

HTeg 9/9

OFFICE OF THE FIRST MEMBER BOARD 9 SEPT. 1931 No. 2438

Papers with the Secretary

HTeg 9/9

29/8

HTeg

C.C. 10/9

Dft to the PRr. is submitted for approval

ISD. 11/9

(Secretary)

11/9

HTeg

TYPING SECTION 16. SEP. 1931 GENL. & REV. SECTT.

Issue 16/9

To

The PRr. Mysore.

No. P. 1703 dt. 18.9.31 informing that Thos. P. G. D'Souza was appointed on Commn on his permanent residence. He is not entitled to claim any T.A.

Sec B

ISD 21/9. 22/9

General and Revenue Secretariat

File No. of 193

Serial No.

Report No: 223 dated 28.9.31 from the PPr Mysore, stating that the suit which was posted to 28th Sept[r] for plaintiff's witness Shamanna again adjourned to 5th Nov for plaintiff to cross-examine Mr D'Souza on Commission.

GENERAL SECTARY 30 SEP 1931 No. 2453

Sub[2] for perusal.

Mr D'Souza when he was ex[d] on Commission on 8.8.31 ~~does not appear to have~~ was not cross ex[d] by the plaintiff's Counsel on account of the Counsel's absence. The Dt. Judge has now granted him another opportunity.

Genl Secy) 30/9

Key 1st

8/11

Sub 2.30

Sun file 8/11/31

8/10

PPr's report dated 5.11.31

Arguments heard

Judgment on 2.11.31.

For perusal.

15D 13/11

Sir) In his report received today PPr says that Judgt was pronounced on 11.11.31 dismissing the suit with costs. Please put it up alone

13/11.

NOTE – Contn. Sheet

02553—50,000—GPB—8-7 30

1398

33

File No. of 193 General and Revenue Secretariat

Letter no 335 dated 11th nov 1931 from the Pr. Mysore intimating that O.S. 18/30-31 (Nagarajayya & others vs Ch. Secy) on the file of Dist. Judge, Mysore was dismissed with costs.

The Suit was for a declaration the right of the Sctyas to appoint the ceeiar to the Jain mutt at Sravanabelgola and for permanent injunction restraining the defts from doing any act inconsistent with the rights of the Sctyas.

Offr Calling for a copy of the judgment in purs. Sub? for perusal.

ISD 13/11

The suit relating to the Succession to the Sravana belgola Jain Mutt, in which the right of H.H. to nominate the Swami was disputed is reported to have been dismissed with costs on 11.11.31 by the Dt Judge, Mysore, after hearing evidence & arguments on both sides—

Copy of the Jdgmt will be obtained in due course—

Submitted for perusal

Gen Secy)

I Member

13/11

13/11

14/11

GENERAL SECRETARIAT
13 NOV. 1931
No. 3791

OFFICE OF THE
FIRST MEMBER OF COUNCIL
14 NOV. 1931
No. 3764

General and Revenue Secretaria

File No. 01 193

Serial No.

for perusal

79) Fin: Secy)
(Mus)

BNP 14/11

2nd member)

470.
14 NOV 1931
GEN. & REV. SECT.
MUZTAL.

OFFICE OF THE SECOND MEMBER OF COUNCIL
23 NOV 1931
No. 3214

4 25/11

JPR 23/11

4

Sus 10 await copy of Jud.

BNP 24/11

Subs with a draft for a copy of the Judgment.

Issue

4/1 3778 of 31/1/32 BNP 7.1.32

TYPING SECTION
7. JAN 1932
GENL. & REV. SECT.

From.

The Pr. Agent.

forwarding a copy of the Judgm
Sravanabelagola Matt — case.

90) Ref: Para 78 Supra.

Copy of the Judgment & Subs for perusal

(P.D.N.) TD 18/1

81) The Judgment from pages 19 to 33 discusses the question as to the right of the Govt of H.H to appoint Swamis to the Sravanabelgola Matt. This right is upheld on the ground of custom the question of prerogative being left undecided

NOTE.—Contn. Sheet.

VD 70—GBPM—60,000—13-8-31.

File No. of 193

(Vide page 33 of the proofs).
Submitted for perusal.

Gen Secy

Fin Secy
(Mun)

1st Member)

GENERAL BRANCH
18 MAY 19
No. 2924

OFFICE OF THE
FY.
25 MAY 1932
No. 2625.

As regards the recovery of costs referred to in para 8, it is for orders if the judgment copy in original be sent to me for perusal & return & taking necessary action for recovering the costs.

Copy of the grounds may be sent to the Govt. for prompt further action being taken re recovery of costs and return

for secy)

TYPING SECTION
2 JUN. 1932
G.L. & D. SECTION

Issued vide 1858 Mun dt 9.6.32

Notes relating to the
remuneration to the PSV. Mg
are rejected.

TSD
20/7/82

537 [illegible] O.S. 18 [illegible] in the [illegible]
the Dist. Ch. Mysore.
(Rajarajeshwari Homes vs Gov)

General and Revenue Secretariat — File No. — of 193 — [App. F. III—2

Serial No.

The Pr. Mysore.

no. 48 dated 25.7.32 Submitting for Signature of the Ch. Secy the Execution petition in the above case to be filed Dist. Judge for recovery of costs incurred

This is a Suit relating to Succession to the Sravanabelagola Jain Suit was dismissed with Costs. The Mysg. Comm was requested to take necessary action to recover Costs due to Govt under the decree. Pr. that he has received the Copy of the judgment for the D.C. Hassan. Hence the present Exn appn the Exn petn & Subn for favour of Signature

Ch. Secy

ISD 29/7

For favour of Signature at the places indicated in the exon appln

Chief Secy)

MP 29.7

ARY. 29 JULY 1932

REU 30/7/32

Dft returning MP 30/7

TYPING SECTION 30 JUL 1932 GEN. & REV. SECTT.

Dft Put up.

ISD 30/7

Issue MP 30/7

PM—60,000—13-8-31.

Issued no. 1-735 dated 1.8.32

B ISD 2/8 MP

To the Remuneration file returned

The Chief Secretary,

to

The Government of Mysore.

BANGALRE.

Sir,

On behalf of my clints whose names and addresses are given below and who are all Sishyas of the Jain Mutt at Sravana-blagola, Hassan District, I here by give you this notice (Under Section 80 of the covil proceedure code) of a suit to be filed by them againmst the Government of Mysore, two monthms after the receipt of this notice, in respect of the following matters, unless the Government of Mysore are in the meanwhile, pleased to accept their contentions and proposals.

In January 1926, the Swamy of the above said mutt breathed his last and as no successor had been appointed by him, the Government of Mysore got into possession of the properties of the mutt. The Deputycommissioner, Hassen District, ascertained the wisnes of the Sishyas of the mutt and recommended Swasthi Sri Brahmasura Shastry for the gadi of the Mutt, after fully satisfying himself about his qualifications. There upon, the Muzarai commissioner also went to the place, consulted the Sishyas and recommended to the Government that the said person may be made the swamy of the mutt. In the meanwhile, certain persons who are not the Sishyas of the said mutt and who consequently can have no voice what ever in the matter, approached the authorities with ulterior motives and instead of ignoring them altogether, the authorities yielded to their influence and the result was the appointment of one Sri Nemi Sagar as the Swamy of the mutt and that at a time, when the civil courts had been closed for the Summer Holidays, so that there may be no intervention of the civil courts at the instance of the Sishyas.

P. T. O.

In asmuch as the candidate set up by the Government was not only not nominated by the sishyas of the mutt, who alone have got the right of selecting a successor, butwas also expressly dis-approved by them on various grounds, the conduct of the Government is highly objectionable, and his appointment is illegal and void, and in Law, he is not the present Swamy of the mutt and he has not acquired any legal rights whatsoever. This action of the Government has created a lot of unpleasantness and misery and has brought that great institution of All India Importance and fame into much discredit. The Sishyas also feel that it may lead to many untoward incidents as well. They do not in the least recognise any claims or pretences on the part of the said Sri Nemi Sagar whom the Government have illegally set upon in the mutt. They desire that justice may be done to them by removing the said person and seeing that their nominee is duly installed in the place. In case this is not done, they will be compelled to enforce their right in a court of Law.

Names and addresses of the persons on whose behalf this notice is given:-

1. Sanganaiaka S. B. Adirajiah Residing at Saligrama Yadathore Taluq.
2. J. Adirajiah. Residing at Saligrama
3. Vijayendriah. Residing at Saligrama.
4. Dodda Manay Anantharajiah. Residing at Saligrama
5. Hasthantharada Pommanna " " Saligrama.
6. S. P. Brahmappa Municipal Vice- President Hassan.
7. Jinnanna son of Honnappa. Hassan.
8. Chandrappa son of Mariyappa residing at Honnigre Hassan
9. Adirajiah Javali Merchant . Gramma, Hassan Taluq
10. S. B. Nagakumariah . Sravanabelagola.
11. Brahmaiah Son of Shop Gundaiah Sravana belagola.
12. Nagappa Son of Channappa , Santay Saragoor. Hegadadevanakote Taluq
13. Muta Hatti Brahmadevaiah. ------Do---- ------ Do- --
14. Settyara C. P. Padmarajiah Chamarajanagara.
15. S. S. Padmarajiah residing at Chamarajanagara.
16. C. N. Brahmia. Sugar Merchant Santhapet Mysore.

yours faithfully
M. Lakshminarayanaiah
Advocate, Mysore

29.10.28

3478 3
P 928

No. 1051
Dy 6.2.1929.

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO: 18 of 1928 - 29.

Plaintiff.		Defendant.
Nagarajaiya and 12 others.	Vs.	1. The Government of Mysore, 2. Nemisagara Swamigalu.

CHIEF SECRETARY 7 FEB. 1929

To

The Chief Secretary
to the Government of Mysore,
Bangalore.

Sir,

Whereas the abovenamed plaintiff has filed a suit against you a copy of which herewith sent for your information, I have the honour to state that the said suit stands posted to 11th February 29, and to request that you will be pleased to make it convenient to appear before this court at 11 A.M. on that date either in person or by a Pleader duly instructed and enable to answer all material questions relating to the suit and to cause production on that day all the documents upon which you intend to reply in support of your defence. In default of such appearance on the said date the matter will be decided in your absence, I request the receipt of this may be kindly acknowledged.

DISTRICT & SESSIONS COURT

I have the honour to be,
Sir,
Your most obedient servant,

District Judge.

IN THE COURT OF THE DISTRICT JUDGE MYSORE.

O.S. 18. 28-29.

Plaintiffs.		Defendants.
Nagarajiah & others.	VS.	(1) Government of Mysore. (2) Nemisagara Swamy Shravanabelagola.

Under Order VII., Rule I.C.P.C.

I. The plaintiffs beg to state as follows:-

The addressee of the plaintiffs are given above, summons and other processes may be served on their Counsel, Mr.M.Lakshminarayana Rao.,B.A., B.L., Advocate, Mysore.

II. In January 1926, the Swamy of the Jain Mutt at Shravanabelagola Hassan District, breathed his last and as no successor had been appointed by him, the first defendant got into possession of all the properties of the Mutt and is since then in possession ~~mfxkkm~~ thereof, as trustee for the rightful Swamy.

III. Thereupon in accordance with Law and usage the Shishyas of the Mutt selected and nominated one Swasthi Sree Brahmasura Shastry for the Gadi of the Mutt. The Deputy Commissioner, Hassan made enquiries and after ascertaining the wishes of the Shishyas recommended his name to the higher authorities; the Revenue Commissioner, went to the spot, consulted the Shishyas and recommended to the Government that the said person may be made the Swamy of the mutt.In the meanwhile certain persons who are not the shishyas of the Mutt and

who consequently have no voice whatever, in the matter approached the authorities with ulterior motives and instead of ignoring them altogether, the authorities yielded to their influences and the result was that the first defendant appointed the second defendant as the Swamy and that, at a time, when the Civil Courts had been closed for the Summer Holidays, so that there might be no intervention of the Civil Courts at the instance of the Shishyas.

IV. In as much as the second defendant was not only not nominated by the Shishyas of the Mutt, who alone have got the right of selecting a successor, but was also disapproved of by them on various grounds and is besides unfit and otherwise undesirable, his appointment by the second defendant is opposed to Law, Custom, and Usage; and is therefore illegal and void and in law the ~~Mutt~~ second defendant is not the present Swamy of the Mutt at all and has acquired no legal right whatsoever.

The plaintiffs are some of the leading Shishyas of the said Mutt and have brought this suit on behalf, and for the benefit of all the Shishyas of the said Mutt they pray that this Honourable Court may be pleased to issue notice to all persons interested according to O.L.R.S.C.P.C.

VI. The plaintiffs submit that it is the Shishyas of the Mutt that have got the right to choose the successor and that the first defendant has no right to appoint whomsoever he pleases. Inspite of several representations and notice under Section 80 C.P.C (served on the first defendant on 30-10-28 as per postal acknowledgment produced herewith) the first defendant has not set the

matters right.Hence this suit, the cause of action for which arose at Shravanabelagola within the jurisdiction of this Court, on 2-5-28 when the first defendant unlawfully set up the second defendant.

VII. Court fee of Rs.200-0-0 is paid as the suit is for declaration and Re.1/- on the relief for injunction (valuing it at Rs.10/- for purposes of Court Fee).

VIII. Therefore, the plaintiffs pray that a decree may be passed:-

(a) Declaring that only the Shishyas of the Mutt have got the right of choosing a successor to the Peetha of the said Mutt and all its properties privileges and rights and that the appointment of the second defendant by the first defendant is absolutely illegal and void.

(b) Issuing a permanent injunction to the defendants restraining them from doing any act inconsistent with the rights of the Shishyas in the matter, and

(c) Granting such other reliefs as the Court may, in the circumstances of this case, deem fit, together with all costs of this suit.

Appendix F C—1

7

SUBJECT.....

.....

.....

Section Law

File No. 90-28

Serial No. 2

Diary No. of letter replied to.....

No. 49 4294

General and Revenue Secretariat

( )

the *192*

To

The District Judge.

Mysore.

Date of issue 8/2/29

Signed by .....

Sir,

I am directed to acknowledge receipt of the Summons and Copy of the plaint in O.S. 18 of 1928-29 on your file (Nagarajaiya & others Vs Govt).

I have &c

for Secy to Govt

List of enclosures.....

Copied by.....

Examined by.....

7.2.29

over

WD 0399—GPB—20,000—18-9-28

Appendix F 6 –1

SUBJECT.....

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Diary No. of letter replied to.....

Section Law

File No. 96 /28

Serial No. 3

No. 4295(2)

General and Revenue Secretariat

( )

the 192

To

The Public Prosecutor
Mysore.

Date of issue 8/2/29

Signed by M V Rs

Sir,

I am directed to request You to appear for the Government in O.S. 18 of 28-29 on the file of the District Judge, Mysore (Nagarajayya & others vs Govt.) which is posted to 11th February 1929 and to take an adjournment for filing the defence

List of enclosures.....

Copied by.....

Examined by.....

~~A~~ copy of the plaint ~~on the records sent~~ in the case is enclosed for your information.

Thanked

over

for Secy to Govt
Law Dept

7-2-29

9

Letter No. 433/28-29 dated 11th February 1929 from the Public Prosecutor and Government Pleader, Mysore to the Chief Secretary to the Government of Mysore, Bangalore.

In continuation of my office letter No. 428/28-29 of this day, I have the honor to inform you that O.S.Nos. 17/28-29 and 18/28-29 which were for hearing today in the District -- Judge's Court have been adjourned to 15th instant and 4th proximo respectively.

The draft written statements in both the cases will be prepared and sent to you within a short time.

C o p y.

PP 25/2/29

(original placed in law file 28 relating to O.S. 17 28/29)

Extract of letter no 428/28-29 dated 11-2-29 from PPr, Mysore to Ch Secy.

× × ×

Regarding O.S. 18/28-29 (Nagaraja Iyah & Others Vs Govt of Mysore) I shall undertake to appear on behalf of Govt. The adjourned date will be duly intimated to you. A Vakalat is also sent for your signature & return. Records pertaining to this case may be sent.

× × ×

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 13/2/29

Signed by Mr N. S.

st of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. 4413 /

To

The Public Pr
Mysore

Sir,

With reference to your letter No 428 & 433/28-29 dated 11th Feb 29 regarding on 17 & 18 of 28-29 on the file of the Dte Mysore, I am directed to return herewith the Vakalats duly sign by the Ch Secy. The name of the Pleader added in the Vakalatn is omitted. The D Cs of Mysore & Hassan have been requested to place a sum of Rs 3/ each

over

WD 0399—GPB—20,000—18-9-28

at yr disposal to meet the incidental expenses in the two suits.

The records pertaining to the case of the Swami of the Jain mutt at Shravanabelgola which is the subject matter of O.S 18 of 28.29 will be sent to you later on — A copy of Regn VII of 1927 is enclosed herewith.

Yours etc

sd P.M.

N.S

Legal Asst & Secy

Copy

Appendix F 64—1

12

SUBJECT.....

.....

.....

Section Law

File No. 90 ref

Serial No. 5

No. 4820

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Mysore.

Date of issue 26/2/29

Signed by M Rao

Sir,

I am directed to ~~request~~ enquire whether in O.S. 18 of 28-29 on the file of the District Judge, Mysore (Nagarajiah & others vs Govt & anor) the Court has ordered issue of notices to the people of the Community concerned as req in para 5 of the plaint and whether the people of the Jain Community have expressed their willingness to join as parties.

over thereon

ISSUE & RESUBMIT

st of enclosures.....

Copied by.....

Examined by.....

WD 0399—GPB—20,000—18-9-28

13

Please prepare a list of papers sent to the PPR, contained in the collection, before issue.

DMP
2/3/29

The list has been prepared & kept at the bottom of the file

TG
2/3

Nugrai 247.25

List of papers sent to the P. Pr Nyd/25

Sl. with of 21/3/25

1. Nº C 832 of 25.6. from the Nugrai Comr
with encls of 11.3.26.
3. 1203 of 19.3.26 To — do —
4. - 832 of 25-26 of 27 3/26 from — do —
5. - 1287 of 10/4/26 To — do —
6. - 832 Encls of 1.5.26. from — do —.
7. Camp Nº E. Nug 7. of 24.6.26 To — do —.
8. Nº 4 of 1.7.26. To — do —
9. 832 — 31.7.26. from — do —
10. - do - 3.9.26. - do —
11. - 497 of 9.9.26 To - do —.
12. - 832 — 16.9.26. from — do —.
13. - 667 - 4.10.26 To — do —.
14. C 832 - 9.10.26 from — do —
15. 968 Encls of 26.11.26 To — do —
16. 832 — 23.12.26 from — do —
17. 1181 — 28.12.26 To — do —
18. C 832 - 15.2.27 from — do —
19. 1856 — 25.7.27 To — do —.
19. C 832 - 30.9.27 from — do —
- Nº Camp 8. - 10.10.27 To Dr of Rural Instr
137/8 - 11.10.27 from — do —
~~20~~ Compt Encls of 27.10.27 from — do —

15

Do № 149 of 31.10.27 To the Registrar Coms

— 678 — 29.11.27 To do —

— 71 — 24.11.27 To do —

— incl — 23.11.27. from do —

do № 8 (A) 27 of 17/12/27 from — do —

Sc № 20: № 1102 of 10/1/28 To — do —

— 21 № CC (a) 27 of 10/4/28 from — do —

22 — 1857-68 of 18/4/28 To — do — others

— 23 C 832 of 24/4/28 from — do —

— 24. 1770-2 of 26/4/28 To — do — others

№ of pages from 67 to 211

Appendix F G—1

SUBJECT.....

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.....

Section Law

File No. 90-28

Serial No. 6

No. 4886 (Mis. 247-25) 1,3-29

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Mysore

Date of issue 3/3/29

Signed by

Sir,

In continuation of this office no P4413 dated 13th February 1929, I am directed to forward herewith the Mis: File 247 of 25 serials 1, ... and to request you to prepare and send a draft written Statement for approval in due Course with the connected records. If necessary, an adjournment may be taken on 4th march 1929

st of enclosures.....

Copied by.....

Examined by.....

over Thanks

4/3

Attd & Mpd Regular Case

3977-928

Law 90-28 WD 546-GPB-50,000-4-9-8 17

1928-29.

From

The Public Prosecutor & Government Pleader, Mysore Division, Mysore

To

The Secretary to Government of Mysore, Law Department,

BANGALORE.

Dated 2nd February 1929.

Despatched

Received

General No. 482-28-29

No.

Enclosure No. one

Sir,

I have the honour to inform in reply to you office letter no: 4820. Law 90.28 dated 26-2-29 that on enquiries made in Court, it is learnt that the District Judge 's Court has not yet issued notices to the people of the Jain community as required by Order I Rule 8.C.P.Code.

The case comes on for hearing on the 4th instant when I will file the vakalat signed and sent to me by the Chief Secretary and ask for some time to file our defence.

The adjourned date of hearing and the orders of the Court re: the matter of issuing notices under Order I Rule 8 will be duly intimated to you.

The records relating to the case have not been sent to me. In the absence of the records I am not in a position to draft the written statement in answer to the plaint.

Law 93

Records sent; & believe. further course may be awaited 4/2/29

So it is requested that entire records may kindly be sent as early as practicable.

I have the honour to be,

Sir,

Your most obedient servant,

Public Prosecutor & Government Pleader,

Mysore Division.

Law 90-28-8 4931 928 19

From The Public Prosecutor and
Government Pleader,
Mysore Division, Mysore.

To The Secretary to the Govt.
of Mysore,
Law Department, Bangalore.

Dated 24-4-29

Despatched 25-4-29

Received

General No. 552/28-29.
No.

Enclosure No. One file of records with copy of plaint and draft written Statement in O.S. 18/28-29 on the file of the District Judge, Mysore.

****

Sir,

I have the honour to send the draft of the written Statement proposed to be filed in answer to the plaint in O.S. 18 of 28-29. The file of records and copy of the plaint are sent. These may be returned along with the written Statement. Section 40 of ~~the~~ Regulation VII of 1927 is an effective bar, to the maintainability of the suit and I hope to succeed on this ground alone, before evidence is sought to be adduced, in support of the respective contentions of the parties.

I have the honour to be,

Sir,

Your most obedient Servant,

M. Srinivasa Gopalan

Public Prosecutor & Govt. Pleader.

In the Court of the District Judge, Mysore.

O.S.No. 18 of 1928-29.

Plaintiffs :- Nagarajiah and others

Defendants :- 1. Government of Mysore.

2. Swasthi Sri Brahmachari Munisagar Swamiji.

Written Statement filed by the Chief Secretary to the Government of Mysore, on behalf of the 1st defendant, under O. VIII R. 1. C.P.C.

I. The ~~contention~~ allegation of the plaitiffs that the Shishyas of the Mutt alone have ~~a voice in the selection of a Swamiji~~ [illegible] to the Sravanabelagola Mutt, and that the ~~other members of the Jain community have no voice in the matter~~ is untenable, false and frivolous. ~~At no period of time in the history of the Sravanabelagola Mutt, have the Shishyas exercised such a privilege, to the exclusion of the other members of the Jain community.~~

The appointment of the 2nd defdt by the 1st defdt is not opposed to Law, Custom & Usage and it is neither illegal nor void On the other hand, it is into Consistent with usage & immemorial customs, and the rules framed by Govt are the subject in the Manager's dept.

II. The undernoted circumstances belie the contention of the plaintiffs, that the disciples alone have a voice in matters of succession, and that the Jain community have no voice in it.

(a) The Mutt in question is of All-India importance.

(b) The Mutt has wide spread interests and influence over all Jains in India.

(c) The Mutt is maintained by contributions from all the Jains, all over India.

(d) The Mutt has Sircar Inams and Grants.

(e) The so-called disciples are only about a hundred house holders, out of 20000 Jains, in Mysore alone. The contribution from these disciples is only about Rs 100/- per annum, and this contribution becomes negligible when compared with the numerous contributions received from other Jains in Mysore and other parts of India.

(f) All functions and ceremonies connected with the Mutt are done and paid for by the whole of the Jain community, and never by the handful of disciples.

(g) The Mutt has extensive powers and jurisdiction over all Jains in India. The Swamy of the Mutt is recognised as the Guru of all Jain Kshatrias in India.

(h) Sravanabelagola is a place of pilgrimage and the main purpose for which the Mutt was established by Chamundaraya was to provide for the maintenance and regular worship of the great Image on the hill, and several temples, there in which all Jains are deeply interested.

(i) This Mutt was not established like other local Jain Mutts, merely for the purpose of looking after the religious welfare of the disciples, or to settle their disputes, or to guide their social and religious rites and ceremonies. The Swamy of the Sravanabelagola Mutt is primarily an administrator of the Kshetra or the place of pilgrimage, which attracts all Jains from all parts of India, and the Swamiji is looked upon as the Guru of the whole Jain community. Thus the whole of the Jain community is interested in the selection of a Swamy to preside over this Mutt.

2 The Sravanabelagola Mutt being an ancient Mutt, having an All-India importance, paramount authority and influence over the members of the Jain community, all over India, the Government appointed a mixed committee of prominent members of the Jain community, consisting of disciples and otherwise, to submit a report, regarding the question of the selection of a qualified Swamy for the Mutt. The said committee, also consulted the views of important Jain Associations outside the State and unanimously selected the 2nd defendant, after as being the best fitted person to occupy the much respected position of a Swamiji, to the Mutt in question, by reason of his being a Brahmachari or Yati, with an unblemished

may be omitted

unblemished character , high intellectual qualifications and saintly disposition. The nominee of the plaintiffs, Swasthi Sri Brahmasura Sastry, was found to be utterly unsuitable and unworthy to occupy the responsible and esteemed position of a Swamiji to the Sravanabelagola Mutt by reason of his youth, inexperience and ~~questionable~~ antecedents. The said nominee was a dismissed music teacher in the Girl's School at Sravanabelagola; his tastes, personality, habits and temperament were found to be quite incompatable with those required for a Swamy, fit to occupy the Peeta of the ancient Mutt of Jaina reputation.

(3) ~~IV.~~ The Government of Mysore, have, after due consideration, ~~accepted~~ the views of the committee ~~recommendations~~ and on the result of the enquiries made by them, selected me ~~and have duly installed the~~ 2nd defendant ~~as Matadhipathi~~ to the Peeta as he was found to be a man of great learning and high character worthy of occupying a place held in high esteem by Jains throughout India.

4) The present suit is not maintainable, under Section 40 of the Mysore Religious and Charitable Institutions-Regulation VII of 1927. This Honourable Court has no jurisdiction to sit in Judgment over the decision of Government.

5) ~~IV~~ The suit is also not maintainable under S. 3 of Reg. VII of 1927 and hence are not entitled to the reliefs prayed for

6) For reasons aforesaid amongst others this defendant prays that the suit may be dismissed with costs.

M. Srinivasa Aiyangar
Govt Pleader & P.P.

Facts above submitted are true to the best of my knowledge and belief except as to matters, got from records and information, which are believed to be true and correct.

Appendix F G—1

SUBJECT.....

.....

.....

Section Law.

File No. 90-28.

Serial No. 9

No. 6671

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Mysore

Date of issue 2/5/29

Signed by

Sir,

With reference to your letter No: 552 dated 25.4.29 forwarding a draft written Statement in O.S. 18 of 28-29 in the District Court Mysore, I am directed to enquire whether the 2nd defendant Sri Nemisagara Swami appears by any other Counsel and what defence is proposed to be filed on his behalf and to state that it is necessary that his

List of enclosures.....

Copied by.....

Examined by.....

over

defence should not in any way
be inconsistent with that of
the Government. I am also to request
you to intimate about the
orders of the Court regarding
the issue of notices under order
I rule 8, as promised in your
letter No: 482 dated 2nd Feb 1929.
The date of hearing of the case may be intimated
I have etc

30/4

Legal R[r] and
Sec/to Govt

Dy
30/4/29

5065/25

19

From The Public Prosecutor & Govt. Pleader, Mysore Division, Mysore.

To The Secretary to Government of Mysore, Law Department, Bangalore.

Dated 4th May 1929

Despatched

Received

General No. 573/M-29

No.

Enclosure No.

Sir,

In reply to your office letterNo. P.6671/Law 90-28-9 dated 1/2-.-29 , I have the honour to state that Rao Bahadur Mr. N.S.Nanjundiah as well as Mr. S.Venkatesiah of Hassan have file d vakalats on behalf of the 2nd defendent Swamiji and I expect that the defence that they propose to file will not be inconsistent with or contrary to ours. However, I have sent them a copy of the Written Statement that I have prepared on behalf of the 1st defendant Viz. The Government of Mysore and have requested them to send me a copy of the defence of the 2nd defendant Swamiji, before they file it in Court.

Regarding the issue of notices as required by Order I Rule 8 C.P.C. the Court directed the plaintiff on the previous date of hearing to duly publish at his own cost the institution of the suit in question in two of the local news papersViz. Viswa Bandhu and Vokkaligara pat-

Patrika, the former being, it would appear, a paper of the Jain Community. I am not aware as to whether the said publication has appeared or no in the papers referred to since I do not get any of them. The case comes on for hearing on the 16th inst. and I shall be able to know the same on that date.

I have the honour to be,

Sir,

Your most obedient Servant,

Public Prosecutor & Government Pleader.

Appendix F G—1

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 13/5/29

Signed by P.M.

st of enclosures.....

Copied by.....

Examined by.....

Section Law

File No. 90-26

Serial No. 11

No. 1609 (2 enclosures)

To

The Public Prosecutor
Mysore.

Sir,

I have the honour to return herewith the written statement (in O.S. 18 of 28-29) duly signed by the Chief Secy for being filed on the file of the District Court Mysore, on 16.5.29. The file of records and copy of the plaint also accompany. I am to request you to send copy of the statement filed on behalf of 2nd defendant shortly and also to report about the

over

further progress of this
Case on each day of
its hearing in Court.

I have etc.
P
1/2/13

Legal

mp
13/5

In the Court of the District Judge Mysore.

O.S.No. 18 of 1928-29

Plaintiffs:- Nagarajaiya and others.

Defendants:- 1. Government of Mysore

2. Swasthi Sri Brahmachari Nemisagara Swamy

Under Order 8 Rule 1 C.P.C. The first defendant above named files the following written statement:-

1. The allegation of the plaintiffs that the Shishyas of the Mutt alone have got the right of selecting a successor to the Sravanabelagola Mutt is untenable false and frivolous. The appointment of the second defendant by the first is not opposed to law custom and usage and it is neither illegal nor void. On the other hand it is quite consistent with usage and immemorial custom and the rules framed by the Government in the Muzrai Department on the subject.

2. The Sravanabelgola Mutt being an ancient one having an all India importance, paramount authority and influence over the members of the Jain community all over India, the Government appointed a mixed Committee of prominent members of the Jain community, consisting of disciples and otherwise, to submit a report, regarding the question of the selecting of a qualified Swami for the Mutt.

3. The Government of Mysore have after due consideration of the views of the Committee and on the result of the enquiries made by them, selected the second defendant to the Peetah as he was found to be a person of great learning and high character worthy of occupying a place held in high esteem by the Jains throughout India.

4. The present suit is not maintainable under section 40 of the Mysore Religious and Charitable Institutions Regulation VII of 1927. This Honourable Court has no jurisdiction to sit in judgment over the decision of the

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Government of His Highness the Maharaja of Mysore in this matter.

5. The suit is also not maintainable under section 3 of Regulation VII of 1923 and plaintiffs are not entitled to the reliefs prayed for.

Wherefore the defendant prays that the suit be dismissed with costs.

R. Ranceth

Chief Secretary to Government.

What is stated above is true to the best of my knowledge and belief. and I affix my signature this day the 11th May 1929 at Fernhill, Nilgiris.

R. Ranceth

Chief Secretary to Government

3/534/928

19

From The Public Prosecutor & Govt.
Pleader, Mysore Division,
Mysore.

To The Secretary To Government,
Law Department,
Bangalore.

Dated 17th May 1929.

Despatched

Received

General No. 596/ 28-29.
No.

Enclosure No. One

Sir,

I have the honour to inform you thatO.S. No. 18/28-29 (Nagarajiah & another Vs. Govt. ofMysore & Sri Nemisagara Swamy) came on for hearing yesterday before the District Judge, Mysore when the defence statements of the 1st and 2nd defendants were filed. Mr. S.Venkatesiah sent me the copy of the defence he proposed to file on behalf of the 2nd defendant Swamiji stating that our defence and his are on the same lines and that there is no conflict between the two. I compared the two written statements before they were filed in Court and on satisfying myself that the two written statements were not inconsistent with each other, I filed it in Court yesterday. I have herewith sent you the copy of the defence statement filed on behalf of the 2nd defendant for your information. The case is posted to 6-6-1929for arguments regarding the preliminary objections raised by us on the

the maintainability of the suit.

It was further learnt yesterday that the istitution of the suit in question has been duly published in two local newspapers as required by Order 1 Rule 8 at plaintiff's cost as directed by Court.

I have the honour to be,

Sir,

Your most obedient Servant,

Public Prosecutor & Govt. Pleader.

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

O.S. NO. 18/1928-29.

PLAINTIFFS. DEFENDANTS.

Nagarajiah and others. Government of Mysore and another.

The written statement of the 2nd defendant herein respectfully submitted.

The second defendant does not admit any of the allegations in the plaint except such as are herein expressly admitted and puts the plaintiff to the proof thereof.

2. It is true that the late Swami of Sravanabelagola Mutt died in or about January 1926 and all the rest of the allegations in paras 2,3,4 and 5 of the plaint are not true.

3. It is not true that the plaintiffs are some of the leading Shishyas of the Mutt and the suit is not on behalf of or for the benefit of the Shishyas of the Mutt.

4. The plaintiffs do not seem to have and have not obtained the permission of the Court as required by Order 1 Rule 8 of the Civil Proceedure Code and the suit is not maintainable.

5. It is not true that the Shishyas of the Mutt alone have got the right of selecting a successor,

6. While the head of the Mutt (like other Mathadhipathies) may nominate a successor and the shishyas may be consult ed about the choice of a successor neither have any right to nominate or appoint a successor. The recommendation of either if any may or may not be accepted.

7. The right of nominating a Swami to be the head of the Mutt in a vacancy or an expected vacancy is the sole and indefeasible prerogative of the Sovereign.

8. The Jain Mutt ofSravanabelagola is one of the most important of the religious institutions of the Jains in India and the spiritual administration of the Mutt are revered and piously sought by all classes of Jains and not merely by the partcular class of the Shishyas of the Mutt.

9. After such consultation and enquiries as they deemed fit the Government of Mysore made a submission of their recommendations about the appointment of a Swami to the vacant Peetha of the Mutt of Sravanabelagola to His Highness the Maharaja.

10. In accordance with the commands of His Highness the Maharaja of Mysore and with his a proval this defendant was in exercise of the Royal Pre

Royal prerogative appointed the Swamy of the said Mutt and was duly installed and put in possession of the Mutt.

11. Neither the Government or His Highness the Maharaja are bound to consult any body or any body of individuals ~~xxxxxx~~ or conform to any definite procedure but are entitled to act fully at their discretion.

12. This defendant has been appointed by the exercise of the Royal prerogative and this Honourable Court has no jurisdiction to question such exercise of the prerogative, any acts done or procedure adopted preliminary to such exercise of the prerogative and the suit is not maintainable.

13. It is not true as stated in para 3 of the plaint that persons other than the Shishyas of the Mutt have no voice in the matter or that any representations were made to Government from ulterior motives.

14. As already stated all Jains have an undoubted interest in the welfare of the Mutt.

15. It is not true that the wishes of the Shishyas were ascertained and that one Sri Brahmasuri Sastri was nominated in accordance with Law and Usage. This defendant is not in a position to plead positively about the intermediate correspondence between the Government and its subordinate officers referred to in para 3 of the plaint and in any case they are neither admissible nor relevent or of any force.

16. It is not true as stated in para 4 of the plaint that the Shishyas disapproved of the nomination of the defendant as Swami. On the contrary this defendant has good reason to believe and believes that the rest majority of even the Shishyas of the Mutt approve of his nomination as well as all other Jains.

17. It is not true as further stated in para 4 of the plaint that this defendant is ' unfit and undesirable.' The allegations are vague and without substance and merely inserted to derogate from the exalted dignity of the office to which this defendant has been nominated by His Highness the Maharaja.

18. This defendant was a well-known scholar and itinerant preacher and having been selected after deligent enquiry only consented to be nominated after express request. He is and is deemed to be a fit and proper person by all classes of Jains as well as other pious and learned people.

19. The plaintiffs do not represent the Shishyas but are only an insignificant minority. It is not true that Sri Brahmasuri Sastri was nominated

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nominated in accordance with Law and usage. He is besides not a suitable and proper person to be the Swami.

20. The nomination of this defendant as Swami is in accordance with Law and usage and custom. And the suit is not maintainable in a Civil Court and this Court has no jurisdiction.

This defendant most respectfully prays that the suit may be dismissed with costs.

signed and verified.

47053 Jb 5697/28 p 78

19

From
The Public Prosecutor & Govt. pleader, Mysore

To
The Secretary to Govt. Law Department Bangalore

Dated 8.6.29

Despatched 9.6.29

Received

General No. 627/28 [illegible]

No.

Enclosure No.

Sir, I have the honour to inform you that O.S. No 18/28-29 (Nagarajiah & others Govt of Mysore and Sri Nemisagara Swamy) came on for arguments before the District Judge on 6.6.29. I addressed arguments regarding the non-maintainability of the suit itself. During the course of the arguments the learned District Judge was pleased to observe that it would be more appropriate to frame issues in the suit and then give a finding on the issue of non-maintainability of the suit after hearing arguments regarding the same.

8) Accordingly the case was posted to the 19th inst for framing issues. After issues are fr
in the case I will argue again on the
of non-maintainability of the suit whic
if decided in our favour will non-suit
the plaintiffs at the outset. Further progress
of the suit will be intimated after the
hearing of the 19th inst,

I have the honour to be
Sir,
Your most obedient Servant,

Public Prosecutor &
Govt. pleader, Import.

5812 19 — 58709 P 38

From

The Public Prosecutor and Government Pleader, Mysore Division, Mysore.

To

The Chief Secretary to Govt. of Mysore
BANGALORE

Dated 20th June 1929.

Despatched

Received

General No. 648/28.29
No.

Enclosure No. One.

Prosecution Br
22/6/29
PB
22/6/29.
EP
22-6-29

Sir,

I have the honour to send you herewith a copy of the draft issues filed by me in Court in O.S. No. 18 of 1928-29 (Nagarajiah & others Vs. Chief Secretary & Swamiji) on the file of the District Judge's Court yesterday the 19th inst. when it came on for hearing. The Court and the opposite party have accepted the issues and the case is posted for evidence to 12th August 1929. We have to pay process fee early so as to enable the summonses to return in time.

The Court was pleased to grant us 15 days time for producing records to prove that the appointment of 2nd defendant to the Sravanabelagola Mutt was in accordance with law, usage and custom.

So, arrangements may kindly be made to send the records to prove that Government have selected Swamis to the Sravanabelagola Mutt on previous

39

previous occassions also. Awaiting the receipt of records referred to above, the filinf of the records already received is also deferred.

I have the honour to be,

Sir,

Your most obedient Servant,

Public Prosecutor & Govt. Pleader.

40

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

ORIGINAL SUIT NO. 18 OF 1928-29.

PLAINTIFFS. DEFENDANTS.

Nagarajiah and others. Vs. 1. Government of Mysore by CHIEF SECRETARY.
2. SRI NEMICAGARA SWAMY.

Draft Issues proposed by 1st. Defendant's Counsel.

1. Does the right of appointing or selecting the Swamy to the Mutt at Sravanabelagola belong exclusively to the Shishyas of the Mutt as contended by Plaintiffs ?

2. Is not the appointment of the 2nd. Defendant by the 1st Defendant as the Swamy of the Mutt in conformity with law, usage, immemorial custom and rules framed by Government in that behalf ?

3. Is not the order of Government and selection made by them legal and valid ?

4. Is the suit by Plaintiffs in a Civil Court not barred by Sec. 40 of The Mysore Religious and Charitable Institutions Regulation No. VII of 1927 as contended by ~~the~~ Defendants ?

5. Is not the suit by Plaintiffs also barred by Sec. 3 of Regulation No. VII of 1923 ?

6. To what reliefs, if any, are Plaintiffs entitled ?

Government Pleader.

41

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

Section Law

File No. 90 of 28

Serial No. 13

No. 789

General and Revenue Secretariat

( )

the 192

To

The Public Prosecutor
Mysore.

Date of issue 3/7/29

Signed by M N S

Sir,

With reference to yo letter No: 648 dated 20th June 1929 regarding O.S. 18 of 28-29 (nagaraja & others vs Government) on the file of the District Judge, Mysore, I have the honor to state that ~~enquiries are being made as to whether there are any records either in the Secretariat or in the~~

List of enclosures.....

Copied by Naga 3/7/29

Examined by.....

over

~~Mucorrai Court's office, to show~~

~~the~~ ~~the~~ ~~to~~
all records relating to
the appointment of Swamis
to the Sivavanabeshwara mutt
~~by~~ ~~Government~~ on previous
occasions ~~are being~~ heard.

In the meanwhile, I
am to request you to file
in Court all the relevant
documents which have
been already sent to you
and obtain the permission of the
Court to produce additional
documents later on.
~~if any, before~~
~~the next date of hearing~~

I have etc

Govt Legal Adv

175
1929-00. P 929
43

From,

H. R. Ramaswamy Ayya
Esqre Ba. BL.
Public Prosecutor
Mysore Division

To

B. Mahadevayya Esq
Ba. BL.
Secretary to the Govt.
of Mysore,
Law Department,
Bangalore.

Dated 6th July 1929

No. 10

Sir

Adverting to your
letter no P89, Law
90-28-13, dated 3-7
regarding the 18 9
1928-29 (Nagarajaya
Letters to Govern
of Mysore and Anan
on the file of the

The District Judge, Mysore, I have the honor to inform that I have this day filed in the Court the file of papers - file no 247-25. Serial nos 1 to 3.24 (Muzarai).

As the file consists of unpublishable official records and Confidential Communications I have taken care to produce the file in sealed cover under Rule 2, Chapter X C R D

I request that all available documents relating to the custom and usage of appointing Swamis to the Mutt at Sravanabelagola may be sent to me, by registered post before the date of hearing 12-8-29.

D° SD 111

The Plaintiffs have not filed their documents and list of witnesses till now - I shall thank you to let me know the names of

of witnesses whom the Govern-
ment wish to examine in
support of the legality and
the propriety of the election
of the second defendant

I have the honor to be
Sir
Your most obedient Servt

K Macaulay
Public Prosecutor
Govt. Pleader

Appendix F G—1

SUBJECT.....

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Section Law

File No. 90-28

Serial No. 15

Date and No. of letter replied to.....

No. 357

General and Revenue Secretariat

( )

192

To

The Public Prosecutor
Mysore.

Date of issue 15/7/29

Signed by

Sir,

With reference to your letter no: 10 dated 6th July 1929 regarding O.S. 18 of 28-29 (Nagaraja Rajayya & others vs Government on the file of the District Court Mysore, I am directed to request you to take instructions of the Kuzarai Commissioner in Mysore, regarding the ~~list of witnesses~~ witnesses to be examined and the evidence to be let in, on behalf of Government, in the case. I have ask

List of enclosures.....

Copied by

Examined by.....

P.T.O.

WD 0399—GPB—20,000—18-9-28

357 of 15/7/29 Copy to Hur: Court for information.

Legal

M. C. 131

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 21st August 1929.

[redacted]

No. 119 / 29-30

FINANCIAL SECRETARY
22 AUG. 1929
No.

FROM

A. K. Syed Taj Peeran, Esq., B.A.,
The Muzrai Commissioner in Mysore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

SIR,

I have the honor to request you to kindly send for reference in connection with the Civil Suit filed by Nagarajaiah and others -- contesting the succession of Swasti Sri Brahmachari Nemisagara ------ Swamigalu to the Sri Sravanabelagola Peeta, Muzrai file No.442-14 Sls 1-8 and all other previous and later references which furnish information about the method of election on former occasions.

The matter may be kindly treated as urgent and the files --- sent as early as convenient.

I have the honor to be,
Sir,
Your most obedient servant,

for Muzrai Commissioner.
(absent from Station)

Appendix G—1

SUBJECT.....

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.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 26/8/29

Signed by MWNS

Section

File No.

Serial No.

No. 1287 (3)

To

The Muzarai Commissioner

Sir,

With reference to your letter No: 119/29-30 of 22nd August 29 addressed to the Financial Secretary to Govt I am directed to forward herewith the ~~Collection~~ Fds noted in the margin, and to ~~the receipt of the same may kindly be acknowledged and~~ request you to kindly acknowledge their receipt and return the same when done with

Yours etc

For Chief Secy to Govt

Lawrey

Mur 442-14 Serials 1 to 8

Mur 247-25 mis papers

Mur 247-25 office notes.

(The correspondance in this has been sent to the PPR, Mysore)

List of enclosures.....

Copied by Ca...14

Examined by.....

over

WD 068—GPB—20,000—1-8-29

Mr
Stamp 1/8/29

49

10th May 1930.

12

P 675 Encl

The Public Prosecutor,
Mysore.

I have the honor to forward herewith for your information in connection with the suit relating to succession to the Peetaha of the Jain Mutt at Sravanbelgola, a copy* of the judgment passed by the District Judge, Shimoga, in O.S.6 of 1925-26 (Balakrishna Vs. Government and others) relating to Succession to the Bheemanakatte Mutt.

* To be kindly returned.

I have the honor to be,

Sir,

Your most obedient servant,

Jain

for Legal Remembrancer and
Secretary to Government
Law Department.

MC

Appendix F G—1

SUBJECT.....

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Diary No. of letter replied to.....

Section

File No.

Serial No.

No. Mgts Engg

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor
Mysore.

Date of issue 12/5/30

Sir,

Signed by M N S

I have the honour to forward herewith a copy of the judgment passed by the District Judge, Shimoga, in O.S. 60 of 25-26 (Balakrishna v Govt & others) relating to Succession to the Bhimana Katte Mutt. The questions raised & decided in the suit are those which arise for decision in the

for your information in connection with the suit relating to succession to the pontiff of the Jain Mutt at Sravanabelgola,

List of enclosures.....

× (to be kindly returned

Copied by.....

Examined by.....

over

However-

M L-R.

for your information and use in connection with the suit relating to the Sreenivasaraja Lam case in the District Court, Mysore. ~~I have written to you.~~ ~~and I am sure the Copy now sent will be of much use to you~~

If the judgment in the Shimoga case can be evidence in the Mysore case under Section 13 of the Evidence Act since it recognises the custom of ~~y~~ the approval of in the case of H. H ~~to~~ Successions to Mutts ~~You may know about~~ ~~you~~ the Certified Copy of the judgment will be sent to you for being exhibited in the Case.

Yours very

Yr Regd

M.V.
4/6
74

S 2 6184 29

3PB-

From 192

The Public Prosecutor,
Mysore Division,

To Mysore.

The Secretary to the Gov
of H.H.the Maharaja of
Mysore, Law Department,
Bangalore.

Dated

Despatched 18-6-30.

Received

General No.

No. 534.

Enclosure No. one

Sir,

I have the honour to return herewith copy of the Judgement passed by the District Judge, Shimoga, in O. S. 6 of 25-26 (Balakrishna VS Government and others) relating to the Bhimanakatte Mutt, sent to me with your letter No.P 6175 dated 10-12 May 1930.

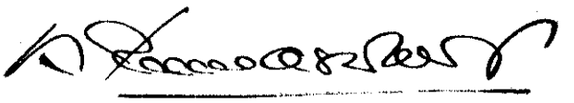
I have got a copy of the said Judgement prepared for my use in connection with the suit relating to the Sravanbelgola Mutt pending before the District Court, Mysore.

P.T.O.

I have the honour to be,

Sir,

Your most obedient servant.



Public Prosecutor.

No.479. Mysore, dated 15th March 1931.

4431/1931
P 53

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Law Department, Bangalore.

O. S. 18 of 28-29.

Nagarajayya and others Vs Chief Secretary to Government and others.)

on the file of the District Judge, Mysore.

Sir,

I have the honour to state that the abovenoted case was for hearing yesterday and it stands adjourned for evidence to 30-5-31.

The plaintiffs have closed their case except for the examination of a Jain Sanyasi residing at Sravana-belagula. A commissioner is appointed to record his evidence at his residence. The warrant may be executed during the summer recess.

The other defendants will examine a few witnesses to disprove the suit claim. It is necessary to examine the present third member, Mr. P. G. D'Souza on behalf of the Government. He has to speak to the circumstances in which the second defendant was selected as Swamigalu of the mutt in preference to the rival candidate Brahmasoori-Sastry. It is proposed to examine Mr. D' Souza after the other defendants close their case. The date and place of his examination will be fixed in consultation with him, the Court and all the parties concerned in the litigation.

I have the honour to be,

S i r,

Your most obedient servant.

Public Prosecutor,

Mysore Division.

54

26-3-1931

Dear Mr. Ramaswami,

With reference to your letter No.479 of the 15th instant regarding the examination of Mr. P.G.D'Souza in the Sravanabelgola Jain Mutt Case, I am to state that the third member of council wishes to talk with you in the matter and I am, therefore, to request you to kindly come over here for a day with all the necessary papers on the subject.

Yours sincerely,

K.Ramaswami, Esq., B.A.,B.L.,
Public Prosecutor, Mysore.

4802/230

K. Ramaswamy,
Public Prosecutor,

Margosa Lodge, Mysore
Dated 8th April 1931.

Dear Mr. Jaya Rao.

It is more than ten days since I received a D. O. asking me to go over there in connection with the Sravan Belgola Mutt suit. I have just finished the last Sessions Case. Copies of depositions of the witnesses examined in the Mutt case will be to hand this evening. I intend leaving here to-day or to-morrow.

May I request you to kindly tell the Law Secretary that I shall see him on Saturday and await his convenience to show the papers to him and take his instructions.

Yours Sincerely,

K Ramaswamy

N.R.Jaya Rao, Esq. M.A., LL.B.,
Assistant to Legal
Remembrancer, Bangalore.

Appendix F Cross.

SUBJECT.....

.....

.....

Section Land

File No.

D.O. Serial No.

No. P 6642

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

To

.....

Date of issue..../4/6/1931

Signed by...Asst. to R. Jaya Rao...

Dear Mr. Ramaswamy

I presume you could not
your did not
go over
Comeover here on Saturday
in connection with the Sravanabelgola Mutthas
last as promised in your
D.O. letter of the instant
addressed to me
an account of the copies of
I am to state that
not available in Pune —
The Sec^y desires to know
when he
you may be expected
Expected to Company call the
to see the
Hindi Members
in this connection —
Connected papers
Should be urgently

Yours Sincerely

[over

To

Mr. Ramaswamy, B.A., B.L.,
P.P. Mysore.

WD 02550—GPB—25,000—25-6-30

D.O.
No. P.6642/Law

57

14th April 1931. xxxx

Dear Mr. Ramaswamy,

I presume you could not go over here on Saturday last in connection with the Sravanabelagola Mutt case as promised in your D.O. letter of the 8th instant on account of the copies not being available in time. The Secretary desires to know when he may expect you to see the Third Member in this connection.

Yours sincerely,

4925
P 830
58

K. RAMASWAMY,
PUBLIC PROSECUTOR,

MARGOSA LODGE, MYSORE.
DATED 16TH APRIL 1931.

D. O. No.564.

Dear Mr. Jaya Rao,

I write to acknowledge your D. O. of the 14th instant.

I left for Bangalore on Saturday evening and saw the Law Secretary on Sunday morning. He instructed me to wait upon the Member and seek further instructions. Accordingly I met the Member on Sunday afternoon and fixed up the business.

Mr. Chennaraj Urs will have to be examined as witness on behalf of the Government. I have written to Mr. Chennaraj Urs requesting him to go through the papers in Birth-day week.

I ought to have seen the Law Secretary

Subs for perusal

TSD 17/4 Legal Sr

17.4.31

Suo c

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

5267/30

No.591. Mysore, dated 8th May 1931.

59

From

K. Ramaswamy, Esquire, B. A.,B.L.,
Public Prosecutor,
Mysore Division

To

P. Mahadevayya, Esquire, B.A.,B.L.,
Secretary to the Government
of His Highness the Maharaja
of Mysore, Law Department,
Bangalore.

I have the honour to forward herewith for counter-signature and return my T. A. Bill for Rs.19-2-0 only for the month of April 1931.

I have the honour to be,
S i r,
Your most obedient servant.

K Ramaswamy

Public Prosecutor,
Mysore Division.

Subject for perusal and counter-signature

The PPr, Mysore had come here to see the 3rd mr to obtain instructions in the Sravanabelgola Case. The T.A bill now submitted is in that connection. It may be Countersigned.

Legal Asst
Please

Appendix [illegible]

67

SUBJECT.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. 7606 (1)

To

The P.P.O. Tyrone

General and Revenue Secretariat

( )

the *193*

Sir I am directed to return herewith duly countersigned T.A. bill for Rs. 19-8-0 sent with your letter No. 591 of 8.5.1931 for the month of April 31

Date of issue 25/3/31

Signed by Mr Duff

I have &c

Sd/- 21/5 for Secy. to Govt.

List of enclosures.....

Copied by 21/5/31

Examined by.....

62

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 26th May 1931.

No.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Public Prosecutor,

M y s o r e.

Sir,

I am directed to return herewith your travelling allowance bill duly countersigned for Rs. 19-8-0 sent with your letter No. 591 dated 8th May 1931 for the month of April 1931.

I have the honor to be

Sir,

Your most obedient servant,

For Secretary to Government
Law Department.

C.M.

Office of the Public Prosecutor, Mysore Division.

Progress Report for 24-5-31

Submitted to the Legal Remembrancer, Bangalore.

District Judge's Court, Mysore.

O. S. 18 of 1928-29.

(Nagarajaiya & others Vs Government of Mysore and another

Plaintiff's witness Nirgrantha Maharuni Swami was examined on Commission at Sravanbelgola.

Public Prosecutor,
Mysore Division.

Sub? for perusal

JSD
4/6

There was another order in which the PPr stated that the case was adj for examn of the 3rd witness on Commission

6/6.

Office of the Public Prosecutor, Mysore Division.

Progress Report for 30-5-31.

Submitted to the Legal Remembrancer, Bangalore.

District Judge's Court, Mysore.

1 O. S. 18 of 1928-1929.

(Nagarajayya and others Vs Chief Secretary and others)

(Sravanbelgola Mutt Case)

Pt VI 216 Plaintiff closed his case.

For defendants' evidence.

Defendants will take out a warrant of Commission for the examination of Mr. P. G. D' Souza at Bangalore.

Mr. S. Srikantaiya is appointed Commissioner. His fee is tentatively fixed at Rs.50/-. Adjourned to 14-7-31.

2 Mis: No. 104 of 1929-1930.

(Mr. Nilgiri Sanjeevayya and others Vs Ex-Officio Secretary, R. A. & L.C.)

(Election Petition)

Court engaged in Sessions.

Cases Nos.17 & 19 of 30-31.

Adjourned to 24-7-1931

Please write these in respective files.

MP 3/6

T Ramaswamy

Public Prosecutor,

Mysore Division.

From

The Public Prosecutor
Mysore Division,
Mysore.

To

The Secretary to the Governmen
of H.H.the Mahara
of Mysore, Law Departt.,
Bangalore.

Dated 16-6-31.

Despatched 16-6-1931.

~~Received~~

General No.
No. 652.

Enclosure No.

O. S. No. 18 of 1927-28.
(Nagarajayya Vs Chief Secretary and others)
on the file of the District Judge,
Mysore.

Sir,

I have the honour to report that the order of the court passed on 30-5-31 in the abovenoted suit was communicated by me to the 3rd member of Council on the 7th inst. The member has consented to be examined on commission at Bangalore in the first week of July.

A sum of Rs.50/- has to be deposited in Court towards commissioner's fee before the warrant can be issued.

I therefore request that an R. T. R. for Rs.50/- may kindly be

be sent to this office as early as possible.

The case is posted on 14-7-31 for return of commis. and evidence.

I have the honour to be,

S i r,

Your most obedient servant.

K Ramachandra

Public Prosecutor,

Mysore Division.

5902930

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

MEDIATE.

General and Revenue Secretariat

No. 2722 / Mug 321-30-2

Dated, Bangalore, 20th June 1931.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Financial *Law Department.*

To

The Musrai Commissioner,
Bangalore.

Sir,

I am directed to forward herewith copy of letter No. 552 of 16th June 1931 from the Public Prosecutor, Mysore Division in the matter of examining Rajakaryapravina Mr. P.C. D'Souza, the 3rd Member of Council, on commission at Bangalore during the 1st week of July next in connection with O.S.No. 18 of 1927-28 on the file of the District Judge, Mysore and to request you to be so good as to arrange for a Remittance Transfer Receipt for Rs. 50/- being sent immediately to the Public Prosecutor, Mysore Division, the cost being debited to the Funds at the credit of the Institution.

I have the honor to be,
Sir,
Your most obedient servant,

V Subrahmanyasastry
for Secretary to Government,
Financial Department.

Copy to Law Secretariat.

C.R.C.S.

68

Letter No. 652 dy 16/6/1931 from the Public Prosecuter, Mysore Division, Mysore to the Secretary to the Government, Law Department.

O.S. No. 18 of 1927-28 (Nagarajayya Vs. Chief Secretary and others) on the file of the District Judge, Mysore.

I have the honor to report that the order of the court passed on 30-5-1931 in the abovenoted suit was communicated by me to the 3rd Member of Council on the 7th instant. The Member has consented to be examined ~~x~~ on commission at Bangalore in the first week of July.

A sum of Rs. 50/- has to be deposited in Court towards commissioner's fee before the warrant can be issued.

I therefore request that an R.T.R. for Rs. 50/- may kindly be sent to this Office as early as possible.

The case is posted on 14-7-1931 for return of commission warrant and evidence.

****

* C O P Y *

V Subrahmanyasastri

for Secretary to Government,
9-8 Financial Department.

To

Obly. Br. for favour of putting up the Connected file.

TSD 10/8. Please put with file

MJ 23/8

This may now be returned to Law Dept.

G.R.G.S.

Ex F G–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue 2/7/31

Signed by M. N. Rao

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. P216(1)

To

The Pr. Mysore

Sir,

With reference to your letter no. 652 dated 16th Jan'y 1931 re: O.S. No. 18 of ~~1927-28~~ 1928-29 on the file of the Dist. Judge, Mysore (Nagarajayya vs Ch. Sec'y & others), I am directed to forward herewith a copy of the letter no 27 SR Mys 321-30-2 dated 22nd June addressed to the Mys'r Comm'r in the matter.

I have etc

BM 6/7 for Ch. Sec'y

TSD. 7/7

70

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. *Dated, Bangalore,* 7th July 1931.

From

N. MADHAVA RAO, Esq., B.A., B.L.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Public Prosecutor,

Mysore Division,

Mysore.

Sir,

With reference to your letter No.652 dated 16th January 1931 regarding O.S.No.18 of 1928-29 on the file of the District Judge, Mysore, (Nagarajayya vs Chief Secretary and others), I am directed to forward herewith a copy of the letter No.2722 Mus.321-30-2 dated 22nd June 1931 addressed to the Musrai Commissioner in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

For Chief Secretary to Government.

RS/S

263/83
P 71

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION, MYSORE.

Progress Report for 14.7.31

Submitted to the Chief Secretary to the Government of H. H. the Maharaja of Mysore.

(LAW SECTION).

District Judge's Court, Mysore.

O. S. 18 of 28.29

Nagarajaiya ~~vs~~ Chief Secretary to Govt. and another

Commission warrant not returned executed. Commissioner writes to say that he has fixed the 18th instant for the examination of Mr P. C. D'Souza as his evidence in Bangalore. Advocates on both sides say that the date is inconvenient. Time for return of warrant extended till 15.8.31. For Evidence 31.8.31.

K Ramaswamy
Public Prosecutor

1817

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 129
Date 10.8.31

72 763

GENERAL SECRETARY
12 AUG. 1931
No. 1701

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

PROGRESS REPORT FOR 9-8-1931.

Submitted to the Chief Secretary to Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

Proceeded to Bangalore on the evening of 8-8-31. Rajakaryapravina P. G. D' Souza, Esquire, B. A., B. L., was examined at his residence as D. W.1., in O. S. 18 of 1928-29 (Nagarajayya & others Vs Chief Secretary and others) on the file of the District Judge, Mysore, before the Commissioner Mr. S. Srikantiah. The plaintiffs' advocate was absent. The other defendants were represented by Messrs. S. Venkateshaiya and S. K. Subba Rao.

N. B :- Plaintiffs' advocate had previously moved for an adjournment on account of personal inconvenience. The Commissioner refused adjournment as the witness who had come all the way from Mangalore had to leave for Bombay.

Public Prosecutor,
Mysore Division.

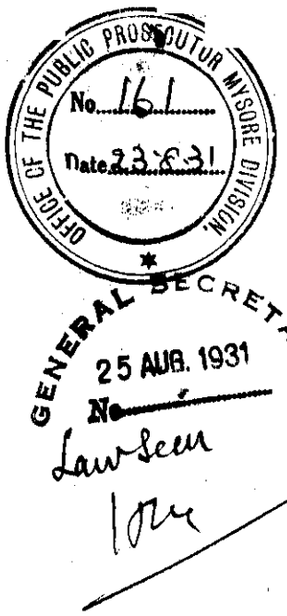
This is a suit regarding the succession to the Sravanabelgola Jain Mutt. For perusal

2nd member) SPR 14/8 HTM 14/8
1st member) ✓ DMP 13/8

Sus B
13/8/31

OFFICE OF THE SECOND MEMBER OF COUNCIL
14 AUG. 1931
No. 521

OFFICE OF THE FIRST MEMBER OF COUNCIL
18 AUG. 1931
No. 1792



OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

PROGRESS REPORT FOR 15-8-1931.

Submitted to the Chief Secretary to Government
of His Highness the Maharaja of Mysore,
Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. No. 18 of 1928-29.

(Nagarajayya & others Vs Chief Secretary & others.

Commissioner's Report received.
For evidence 31-8-1931.

N. B:- The abovenoted suit was not posted for ~~evidence~~ on 15-9-31. It was an interim date for return of Commission Warrant issued for the examination of Rajakaryapravina Mr. P. G. D' Souza.

R Ram Rao

Public Prosecutor,
Mysore Division.

Suit ? for final
Sastile 5 7 9

Letter no. 174 dated 31.8.31 from the
PPr. Mysore to the Ch. Sec.y

Dist. Judge's Ct. Mysore.

O.S. 18 of 1928-29.

(Nagarajayya & others vs Ch. Sec.y)

Adjourned at the request of Parties to 1.9.31.

Sub.d for perusal

ISD
31/8.

Letter no 175 dated 1.9.31 from the Pr. Mysore to the Ch. Sec.y

Dist. ct. Mysore

O.S. no. 18/28-29.

(Nagarajayya & others vs Ch. Sec.y & others)

2nd deft examined two witness who produced letters received from the former agent of the Swamiji Mutt inviting opinion from the members of the Jain Community. (non-Shishyas) re: the selection of the Candidate for the headship of the Mutt. Case closed by both the parties. Posted for arguments

28.9.31

192 .

From

The Public Prosecutor,

Mysore Division,

To Mysore.

The Chief Secretary to the

Govt. of H.H.the Mahara -

of Mysore, Law Section

Dated 2-9-1931. Bangalore.

Despatched 2-9-1931.

Received

General No.

No. 178.

Enclosure No. two.

Sir,

I have the honour to enclose Rajakaryapravina Mr. P. G. D'Souza's letter dated 10-8-1931 together with his bill for Rs.82-8-0 being the travelling expenses claimed by him for the journey from Mangalore to Bangalore to give evidence in O. S. No. 18 of 1928-29 (Nagarajayya and others Vs Chief Secretary and others) on the file of the District Judge, Mysore.

I moved the Court yesterday for sanctioning the bill. But the Judge was pleased to observe that the witness was not entitled to claim the expenses as he was a permanent resident of Bangalore. The Court has no objection to sanctioning the bill simply without making the amount costs in the cause.

77

cause i.e. if the suit be dismissed the Government cannot recover the amount paid to the witness from the other party.

In these circumstances I would leave it to Government to decide the question of allowing Mr. D' Souza's claim. I may however add that the evidence of Mr. D' Souza was absolutely necessary for substantiating the defence put forward by the Government in the suit referred to above.

I have the honour to be,

S i r,

our most obedient servant.

K Ramadas

Public Prosecutor,

Mysore Division.

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Appendix F (—1)

SUBJECT .....

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.....

Section Land

File No.

Serial No.

Diary No. of letter replied to .....

No. P/1703 Secs. 2.

To, The PPr. Mysore.

Sir,

General and Revenue Secretariat

( )

the *193*

With reference to Your letter No 178 dated 2.9.31 forwarding for sanction T. A. bill of Rajakaryapravina Mr. P. G. D'Souza, for the journey from Mangalore to B'lore to give evidence in O.S. No 18 of 1928-29 (Nagaraja Yaya & others vs Ch. Secy) on the file of the 10th. Judge, Mysore I am directed to state since Mr D'Souza was examined - that, ~~the Commission was~~ on commission at ~~this~~ permanent at Mr. P. G. D'Souza's residence at Bangalore, ~~Govt do not find it possible to ignore the fact of permanent evidence for regulating the etc~~

Date of issue 18/9/31

Signed by ..... for Secy. to Govt.

List of enclosures .....

Copied by 17/9

Examined by .....

WD 71—GBPM—40,000—20-7-31.

~~for T.A. & Such~~ the is not, under the rules, ~~where is not~~ entitled to claim any T.A. and Government regret that the bill cannot therefore ~~be expense, paid to have been incurred~~ be sanctioned -

The enclosures to your letter are herewith returned.

I have etc

T.D.
11/9

DMP
11/9

Gen to see?

Excise

80

Ex. p 1793/Laws
Encs. 2.

17th September 1931.
18.

The xxx

General Department.

The Public Prosecutor,
Mysore.

With reference to your letter No. 178 dated 2nd September 1931 forwarding for sanction travelling allowance bill of Rajakaryapravina Mr. P.G.D'Souza, for the journey from Mangalore to Bangalore to give evidence in O.S.No. 18 of 1927-28 (Nagarajayya and others Vs Chief Secretary) on the file of the District Judge Mysore, I am directed to state that since Mr. D'Souza was examined on commission at his permanent residence at Bangalore, he is not under the rules entitled to claim any travelling allowance and Government regret that the bill cannot therefore be sanctioned.

The enclosures to your letter are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
General Deptt.

51

OFFICE OF THE PUBLIC PROSECUTOR MYSORE DIVISION
No. 183
Date 28-9-31

mys 1-10-31 p 831

81

OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION

Progress Report for 28-9-1931.

Submitted to the Chief Secretary to the Government of His Highness the Maharaja of Mysore.
Law Section, Bangalore.

City Magistrate's Court, Mysore.

C. C. No. 160 of 1929-1930.

(Government Vs Mr. V. K. Laxmanan Mudaliar & others)

Accused took out summonses to two witnesses only. Mr. Sundara Rao pleaded inconvenience to be present. The Public Prosecutor says that he is not the custodian of the documents he was asked to produce.

Case adjourned to 6-11-1931 for further cross-examination of prosecution witnesses.

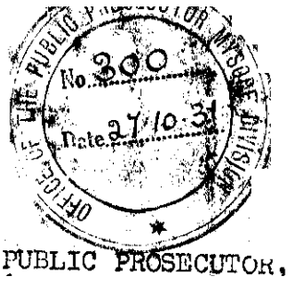
2. District Judge's Court, Mysore.

O. S. 18 of 1928-1929.

(Nagarajayya & others Vs Chief Secretary & others)

Plaintiffs advocate filed an application for permission to cross-examine Mr. D' Souza on commission. Defendants' advocates opposed the application on the ground that it was made too late. Application allowed in the interests of justice. Plaintiffs to deposit Rs:50/- being the commissioner' fee. Mr. B. Devarayya, Pleader, is appointed Commissioner. Commission warrant returnable by 5-11-1931. Arguments will be heard on the same day.

A'Ramachandra
Public Prosecutor,
Mysore Division.



OFFICE OF THE PUBLIC PROSECUTOR, MYSORE DIVISION.

Progress Report for 23-10-1931.

Submitted to the General Secretary to the Government of His Highness the Maharaja of Mysore.

Law Section, Bangalore.

District Judge's Court, Mysore.

O. S. 18 of 1928-29.

(Nagarajayya & others Vs Chief Secretary & others)

Mr. P. G. D' Souza was recalled and cross-examined at his residence at Yelwal Road by the Plaintiff, before Mr. B. N. Devaraiya, Commissioner.

K Ramachandra

Public Prosecutor,

Mysore Division.

for perusal

935
12/11/31

1995/P 83

Office of the Public Prosecutor, Mysore Division.

Progress Report for 11-11-1931.

GENERAL SECRETARY 13 NOV. 1931 No. 1995

Submitted to the General Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

1. District Judge's Court, Mysore.

O. S. 18 of 1928-29.

(Nagarajayya & others Vs Chief Secretary & others

Case advanced from the 12th to 11th.

Judgment delivered.

Suit dismissed with costs.

2. Additional Subordinate Judge's Court, Mysore.

Ex: 1121 of 1930-31; S. C. 852 of 24-25.

(A.K.Ranga Iyer Vs H. S. Bhaskara Rao)

Posted for evidence on 2-12-1931.

K Ramaswamy

Public Prosecutor,
Mysore Division.

From

The Public Prosecutor,

Mysore Division,

To Mysore.

Chief Secretary to the Govt.
of His Highness the Mahar
of Mysore, Law Section,
Bangalore.

Dated 13-1-32.

Despatched 13-1-1932.

Received

General No. 573
No.

Enclosure No. nil.

CHIEF SECRETARY'S Law 15 JAN 1932

MP 15/1

Sir,

With reference to your let No.P.3778 Law dated 8-1-32 asking be furnished with copies of Judgm and decree in O. S. 18 of 28-29 (Nagarajayya & others Vs Chief Secretary and others) on the fil of the District Judge, Mysore, I have the honour to state that cop of Judgment and decree were appli for in the usual course on 13-11- But they are not yet prepared as Plaintiffs and Defendants 3 and others have not ammended the suit title by writing out the names of supplemental parties and hence, t decree is not signed. The same be submitted to Government as soon they are received in this office.

I have the honour to be,

Sir,
Your most obedient serva
A Ramachandra

PROCESSING SECTION 29 MAR 1932

Subs for perusal.

PD in, Subs MP 16/1

Dft Rr called

Subs Hill 13/3

Dft Rr called 29/3 Issued 5.7 Service MP 29/3

APR. 1932
Law
No. 193

From

THE PUBLIC PROSECUTOR,
Mysore Division,
Mysore,
Camp. Hassan.

To

The Grneral Secretary to the
Government of His Highness
The Maharaja of Mysore,
Law Section. B a n g a l o r

Dated 2nd April 1932.

Despatched

Received

General No. Camp No 5

No.

Enclosure No.

Sir,

With reference to your letter No.5739/ Law dated 30-3-32 enquiring as to when the copy of the Judgment and decree in OS.No 18 of 28-29(Nagarajayya and other vs Chief Secretary and others) may be expected, I have the honour to state that the copies were applied for long ago as soon as the suit was disposed of. As the Advocates for plaintiff and the 3rd defendant had not amended the plaint by inserting the names of supplemental plaintiffs and defendants, there was delay in signing the decree. It is believed that the decree has now been signed. The copies called for by Government will

56

will be obtained in the course of the week and submitted

I have the honour to be.
Sir,
Your most obedient servt

PUBLIC PROSECUTOR.

87 463/937

192

From

The Public Prosecutor
Mysore Division,
Mysore.

To

The General Secretary to the
Government of His Highness
the Maharaja of Mysore
Bangalore.

Dated 5th April 1932.

Despatched

Received 7 APR. 1932

General No. 701.G No. Law

No.

Enclosure No. 1

Sir

With further reference to your letter No. P 5739/Law dated 30th March 1932 I have the honour to furnish for information of Government copy of the order passed in C.P. 18/28-29 on the file of the District Judge, Mysore Nagaraja & others Vs Chief Secretary & others.

Copy of judgment will be obtained and furnished before the end of the week.

I have the honour to be,
Sir
Your most obedient Servant.

Public Prosecutor
Mysore

Copy of the judgment is awaited & ordered.

8/4

Mg O.D.C.C. 10 88

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM

No. 1838/32 Encls Copy of Judgment, decree Copy & Judgment 10/6/32

The accompanying ~~Petition Registered~~ H

~~No.~~ ..... ~~dated~~ .....

~~received at the General and Revenue Secretariat from~~ delivered by the Dy Judge, Mysore Divn in O.S. No 18 of 1928-29. Re: Sravana-belagola Town Improvement Committee

is forwarded, ~~together with its enclosures~~ with Compliments to the M.C. for necessary further action being taken regarding the recovery of costs. The Vakeel may be informed that the Copy of the Judgment may be had from the returns when done with

By Order,

7/6/32

for Secretary.

BANGALORE,

7/6/1932

[P. T. O

8/6/32

WD 0562—GPB—2,250—2-8-27

537-932
59

192 .

From

The Public Prosecutor,

Mysore Division,

Mysore.

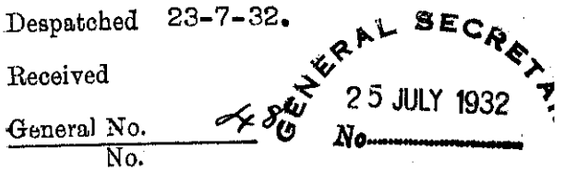
To

The General Secretary to the
Government of His Highness
the Maharaja of Mysore.
Law Section,
Bangalore.

Dated 23-7-32.

Despatched 23-7-32.

Received



General No. No.

Enclosure No. 1.

Sir,

I have the honour to submit herewith for the signature of the Chief Secretary Execution Petitio to be filed in the Court of the istrict Judge for the recovery f costs incurred by Government in . S. 18 of 28-29 (Nagarajayya nd others Vs Government of ysore and others) and to request hat the petition may be duly igned and returned to this office

Copies of Decree and Judgment have been received in this office from the Deputy Commissioner, Hassan District. As the first defendant in the suit is " the Government of Mysore the Execution Petition has to be

P. T. O.

signed by the Chief Secretary.

I have the honour to be,

S i r,

Your most obedient servant.

Public Prosecutor,

Mysore Division.

Appendix F G—11

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. P.735/Rec 2 Exn/Pet/4

To The PPr Mysore

Sir,

I am directed

to return herewith duly sig

by the Chief Secretary the

Execution petition in OS 18 /20-

on the file of the Dist. Judge

Transportation owners vs Govt

sent with your letter no 48 d

n.d.

I have e

Dy 2019

General and Revenue Secretariat

( )

the 193

Date of issue 1-8-32

Signed by Sm. N.R.Y.Rao

List of enclosures .....

Copied by .....

Examined by .....